

**OFFICER'S REPORT FOR:** Commissioner Gina Sweetman

**SUBJECT:** Proposed District Plan Change 49 – Copeland Street Reserve. Rezoning to General Residential Activity Area – Medium Density and General Recreation Activity Area

**PREPARED BY:** Dan Kellow  
Environmental Planner (contractor)  
On behalf of Hutt City Council

**REVIEWED BY:** Corinna Tessendorf  
Senior Environmental Policy Analyst  
Hutt City Council

**REPORT DATE:** 18 January 2018

**HEARING:** 2 February 2018

---

## **EXECUTIVE SUMMARY**

Proposed District Plan Change 49 seeks to rezone a Hutt City Council owned area of land at the south-western end of Copeland Street Reserve from General Recreation Activity Area to General Residential Activity Area – Medium Density, while rezoning two properties at 51 and 53 Hall Crescent from General Residential Activity Area – Medium Density to General Recreation Activity Area. The area proposed to be rezoned to General Residential Activity Area – Medium Density forms the south-western part of the Copeland Street Reserve and has an overall area of approximately 8288m<sup>2</sup>. It was previously classified as Reserve but the Department of Conservation agreed to revoke the reserve status of the land in a decision dated 14 September 2016. The area proposed to be rezoned to General Recreation Activity Area is located at 51 and 53 Hall Crescent and has an area of approximately 854m<sup>2</sup>. The properties are owned by Urban Plus Ltd and it is intended to remove the existing buildings and use the sites for recreation purposes.

Proposed Plan Change 49 was notified on 29 August 2017 and submissions closed on 29 September 2017. The summary of decisions requested was notified on 24 October 2017 and further submissions closed on 7 November 2017. This report considers the submissions against the proposed plan change and whether the existing provisions of the District Plan address the matters raised.

In total six submissions were received. In summary the submissions seek the following:

- Approve the plan change;
- Do not approve the plan change
- The plan change should not proceed until further investigation into infrastructure and urban design has occurred.

Four submitters indicated they wish to be heard however that has now reduced to two submitters. Therefore pursuant to Section 8B of the first schedule of the RMA, a hearing is required.

This report recommends that proposed Plan Change 49 be approved without amendment.



**CONTENTS**

INTRODUCTION..... 4

    Author ..... 4

    Content of the Officer’s Report..... 4

PROPOSED PLAN CHANGE 49..... 4

SITE DESCRIPTION..... 5

BACKGROUND TO PROPOSED PLAN CHANGE 49 ..... 5

    Process ..... 5

    Consultation ..... 6

LIST OF SUBMITTERS..... 6

ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS ..... 7

    Analysis of Submissions..... 7

    DPC49/1 – Claire and Geoffrey Hall 1.1 ..... 7

    DPC49/2 – Simon Roche on behalf of Powerco – 2.1 ..... 8

    DPC49/3 – Dr Linda Mead – 3.1..... 8

    DPC49/4 – David and Christine Tourell – 4.1 ..... 9

    DPC49/5 – Laurence Beckett on behalf of Accessible Properties – 5.1 ..... 9

    DPC49/6 – Christine Chong on behalf of Housing New Zealand – 6.1 ..... 10

    Further Evaluation..... 10

PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991 ..... 11

    Section 5 – Purpose of the RMA ..... 11

    Section 6 – Matters of national importance..... 11

    Section 7 – Other matters..... 11

    Section 8 – Treaty of Waitangi ..... 12

NATIONAL, REGIONAL AND LOCAL POLICY ANALYSIS ..... 12

    National Policy Statement on Urban Development Capacity ..... 12

    National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health..... 12

    Wellington Regional Policy Statement..... 13

    Proposed Natural Resources Plan ..... 13

    Consistency with the surrounding District Plans ..... 13

    Hutt City’s Urban Growth Strategy 2013 - 2032..... 13

    Hutt City’s Environmental Sustainability Strategy 2015 – 2045..... 14

    The City of Lower Hutt District Plan..... 14

SUMMARY ..... 17

PLANNERS RECOMMENDATION..... 18

Appendix 1 – Detailed Site Investigation – Pattle Delamore Partners Ltd. .... 19

## **INTRODUCTION**

### **Author**

1. My full name is Daniel John Kellow. I hold a Master of Environmental Studies degree from Victoria University and a Bachelor of Commerce degree from Lincoln University.
2. I have 15 years experience in land use planning, regulatory and policy, spending most of that time within local government.
3. I have visited the site several times and am familiar with the surrounding area. I have been involved in the plan change process from drafting the Section 32 report.
4. In preparing this report I have reviewed:
  - The operative Wellington Regional Policy Statement;
  - Relevant Hutt City Council policy documents;
  - The plan change document as notified, including the Section 32 report and accompanying appendices;
  - All submissions to Proposed Plan Change 49.

### **Content of the Officer's Report**

5. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). It discusses and makes recommendations on the relief sought by submissions to Proposed Plan Change 49.
6. My evidence is structured as follows:
  - Introduction to the proposed plan change;
  - Description of the site;
  - Background to the proposed plan change;
  - List of submitters;
  - Analysis of submissions;
  - Purpose and principles of the RMA
  - Analysis of relevant national, regional and local policies;
  - Summary; and
  - Planner's recommendation to the commissioner.

## **PROPOSED PLAN CHANGE 49**

7. The intention of Proposed Plan Change 49 is to rezone a Hutt City Council owned area of land at the south-western end of Copeland Street Reserve from General Recreation Activity Area to General Residential Activity Area – Medium Density, while rezoning two properties at 51 and 53 Hall Crescent from General Residential Activity Area – Medium Density to General Recreation Activity Area.
8. Although this report is intended as a stand-alone document, a more in-depth understanding of the Proposed Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 Evaluation and associated plan change documents as publicly notified on 24 October 2017.

## SITE DESCRIPTION

9. The sites subject to the Proposed Plan Change are the area of land known as the Copeland Street Reserve, which has a street address of 96A Witako Street, and the two residential properties at 51 and 53 Hall Crescent.
10. Copeland Street Reserve is a flat site located in the centre of the block formed by Witako Street, Copeland Street, Hall Crescent and Mitchell Street. The site has pedestrian access from Witako Street and driveways leading in from Copeland Street, Hall Crescent and Mitchell Street. There are five buildings within this site. The two buildings in the south eastern area are occupied by the IHC and Wellington Early Intervention Trust (WEIT). The two buildings in the middle of the site were formerly occupied by the Lower Hutt Women's Bowls Club. The building in the northern corner is used as a Scout Den.
11. 51 and 53 Hall Crescent are flat residential sites that currently contain semi-detached dwellings. 53 Hall Crescent is adjoined by a residential site to the north. To the south is a driveway that leads into the Copeland Street Reserve. All of the land subject to the plan change is surrounded by General Residential Activity Area - Medium Density.
12. The sites subject to the plan change are legally described as Lot 1 DP 25931 (Copeland St Reserve) and Lots 6 and 7 DP 25931.

## BACKGROUND TO PROPOSED PLAN CHANGE 49

13. In 2012 the Lower Hutt Women's Bowls Club, which was previously situated on the Copeland Street Reserve, merged with the Woburn Bowling Club. The resulting vacancy of the former Bowling Club land was partially responsible for the review of the Copeland Street Reserve to determine its recreational values. In November 2012, Council resolved to consult with the local community in accordance with the provisions of the Reserves Act 1977, as a means to initiate a public process to consider the future of this land.
14. The review process was lengthy, with submissions being lodged opposing the revocation of the reserve status (initially the revocation was to apply to the entire reserve) with the key objection relating to whether there was going to be adequate reserve land retained to meet current and future demands. Following the lengthy consultation process Council decided to only revoke the reserve status in the central and southern portions of the site and proceed with a plan change to facilitate residential development in these areas. Council's decision included a condition that 51 and 53 Hall Crescent would need to be redeveloped as a reserve and vested with Council.
15. The south-eastern area of the reserve that is occupied by the IHC and Wellington Early Intervention Trust (WEIT) is not to be developed but will be rezoned to General Residential Activity Area – Medium Density to better fit its current use. Subsequent to Council's decision the Department of Conservation on 14 September 2016 agreed to revoke the reserve status of the land (Appendix 2). This will however not be gazetted until the plan change has been completed.

### Process

16. The process of the Proposed Plan Change 49 is summarised in the table below:

Date	Event
14 September 2016	The Department of Conservation agreed to revoke the reserve status.
29 August 2017	The Proposed Plan Change is notified.
29 September 2017	Submission period closed. A total of six submissions were received. Officers prepared the summary of decisions requested.

24 October 2017	Further submissions period – the summary of decisions requested was notified.
7 November 2017	Further submissions closed with no further submissions received.

## Consultation

17. Prior to the notification of the proposed plan change, consultation was undertaken with the following territorial, regional and iwi authorities:
- Greater Wellington Regional Council
  - Ministry for the Environment
  - Porirua City Council
  - South Wairarapa District Council
  - Upper Hutt City Council
  - Wellington City Council
  - The Wellington Tenths Trust
  - The Port Nicholson Block Settlement Trust
  - Te Runanga o Toa Rangatira Inc.
18. The above parties were contacted directly through a letter informing them of the plan change. No feedback was received from the territorial and regional authorities. Ngati Toa responded that they have no concerns with the proposal. The Wellington Tenths Trust support the proposal but requested that they work together with Urban Plus to see how there could be further recognition of the people of Te Atiawa.
19. In addition to the statutory contacts shown above letters were sent to owners and occupiers of the surrounding residential properties informing them of the plan change and providing the opportunity to make submissions. Six submissions were lodged within time and no further submissions were lodged.

## LIST OF SUBMITTERS

20. The following submitters have lodged submissions on the Proposed Plan Change 49:

Submission number	Name of Submitter	Submission Reference
DPC49/1	Claire and Geoffrey Hall	1.1
DPC49/2	Simon Roche on behalf of Powerco	2.1
DPC49/3	Dr Linda Mead	3.1
DPC49/4	David and Christine Tourell	4.1
DPC49/5	Laurence Beckett on behalf of Accessible Properties	5.1
DPC49/6	Christine Chong on behalf of Housing New Zealand	6.1

## ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

21. The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.
22. The submissions are addressed by submitter. In the heading the submission number, the name of the submitter and the submission reference are printed in bold. The decision sought by the submitter is outlined and specific comments made by the submitters are summarised. This is followed by a discussion of the issues raised and my recommendation to the commissioner.
23. With respect to determining the scope of a submission, reference is made to clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:
6. *Making submissions:*
- Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.*
24. A submission on a plan change is therefore limited in that it must be “on” the plan change. In the case of the Proposed Plan Change 49, the intention was to enable residential development on part of the Copeland Street Reserve, provide a more appropriate zoning for the IHC and WEIT and to give the recreation area a better connection to the street. Accordingly, for a submission to be deemed to be within the scope of the Proposed Plan Change 49, the submission must relate to any one of the issues addressed in the plan change.
25. Full copies of the submissions received and the summary of decisions requested are available on Council’s website.

### Analysis of Submissions

Submission:

#### **DPC49/1 – Claire and Geoffrey Hall 1.1**

#### **Request of Submitter**

26. The submitters request that council ensures an appropriate balance between recreation and housing needs is found and that the area of land behind 57 Hall Crescent is retained as General Recreation Activity Area.

#### **Discussion**

27. The submitters state that open spaces and green spaces are an attractive part of the area and want Council to ensure that an appropriate balance is struck between meeting housing needs and the provision of open space. They seek that open space behind 57 Hall Crescent is retained which will be if the plan change is not amended.
28. The land behind 57 Hall Crescent is proposed to be retained as General Recreation Activity Area. The Proposed Plan Change is achieving an appropriate balance between housing land supply and recreation space and through rezoning two Hall Crescent sites is expected to result in a better utilised recreation area due to the increased visibility and accessibility of the site.

#### **Recommendation**

29. I recommend that the submission lodged by Claire and Geoffrey Hall [1.1] be accepted.

Submission:

**DPC49/2 – Simon Roche on behalf of Powerco – 2.1**

**Request of Submitter**

30. No specific relief is sought.

**Discussion**

31. The submitter owns a live gas pipe that runs along the side of the driveway that enters the site from Copeland Street. The submitter wishes to ensure recognition and protection of its infrastructure, that access to the infrastructure is maintained and to ensure new development can be supplied with gas.
32. The matters raised are largely matters that will be dealt with at the time of subdivision consent, land use consent or building consent. There is no requirement in the District Plan that requires that gas is supplied to a site and the installation of gas is a decision made by the developer. Standard conditions of a subdivision consent include the requirement to provide a memorandum of easements for private services and that all existing services are appropriately protected by easement.

**Recommendation**

33. I recommend that the submission lodged by Powerco [2.1] be accepted.

Submission:

**DPC49/3 – Dr Linda Mead – 3.1**

**Request of submitter**

34. The submitter requests that the plan change does not proceed. The submitter considers that there is potential to link the site with the Hall Street reserve to the south and Mitchell Park to the north. The submitter considers that urban design including the “proposed high density residential areas” review should be completed to determine the best use of the land.

**Discussion**

35. The submitter considers urban design considerations as well as the high density residential review should be completed before proceeding with a plan change. Plan Change 43 was notified 7 November 2017 and submissions close 9 March 2018. The impact of PC43 is broad as it proposes changes to the General Residential Activity Area provisions and the introduction of two new activity areas – a Medium Density Residential Activity Area and a Suburban Mixed Use Activity Area. In relation to this site the proposed General Residential Activity Area (Medium Density) zoning would change to a new zoning called Medium Density Residential Activity Area under Proposed Plan Change 43, as would the surrounding residential sites.
36. The fact that PC49 and PC43 overlap in terms of timing and area may not be ideal but the overlap does not create any obstacles to a decision being made on PC49. As notified, the planning framework that PC43 proposes would allow a greater intensity of development than under the provisions of PC49.
37. The amount of recreation land available within the area was assessed when both PC43 and PC49 were being prepared. The amount of recreation land that will remain after the zoning change was considered adequate in the s32 Evaluation Reports of both plan changes and the revocation of the reserve was specifically mentioned in the s32 evaluation report for PC43. (page 114 Attachment 1 to PC 43 s32)



38. The submitter considers there is potential to link the Hall Street Reserve, Copeland Street Reserve and Mitchell Park and that rezoning the Copeland Street reserve as proposed would mean the opportunity to connect the reserves is lost. The three parks are all separated by roads and it is considered that a path does not appear to be in a location that would serve pedestrians or cyclists well in terms of connecting local amenities.
39. The submitter considers that increasing impervious surface areas could lead to poor drainage and flooding. No specialist or technical information is supplied to support this assertion. The capacity of the surrounding stormwater system was considered during the preparation of the plan change. The capacity of the stormwater main that runs along Copeland Street is sufficient to cope with any increase generated for the site as stated in Appendix 4 of the S32 report for this plan change.

#### **Recommendation**

40. I recommend that the submission lodged by Dr Linda Mead [3.1] be rejected.

Submission:

#### **DPC49/4 – David and Christine Tourell – 4.1**

#### **Request of submitter**

41. The submitters request that the reserve status stays as it is now but that if development does occur then this should be limited to the old bowling green site. They also request that the land should be sold to the highest bidder.

#### **Discussion**

42. The contiguous 4820m<sup>2</sup> area of land that will remain for recreation use will provide adequate space for a variety of informal recreation activities to occur. By widening the connection to Hall Crescent it is anticipated that use of the site will increase due to better visibility and accessibility and the eventual construction of a playground.
43. If only the Bowling Green land was used for residential development as proposed by the submitter, it would leave two small parks at either end of the site and would not allow the connection from Hall Crescent to be created, because the bowling green overlaps with this area, which is key to opening up the park.
44. The submitter comments that if the land is to be sold then it should be put on the open market to ensure the best price is obtained. This is not a matter relevant to the consideration of the appropriateness of the plan change.

#### **Recommendation**

45. I recommend that the submission lodged by David and Christine Tourell [4.1] be rejected.

Submission:

#### **DPC49/5 – Laurence Beckett on behalf of Accessible Properties – 5.1**

#### **Request of submitter**

46. The submitter requests that council adopt the plan change in full.

#### **Discussion**

47. The submitter agrees with the conclusion in the s32 report that there will be adequate recreation land remaining following the rezoning.

48. The submitter recognises that there is a shortage of social housing in Lower Hutt and that this site could provide additional social housing.
49. The submitter acknowledges that resource consent would be required to alter IHC activities on the site but despite this agrees that the proposed General Residential Activity Area zoning is appropriate.

### **Recommendation**

50. I recommend that the submission by Accessible Properties [5.1] be accepted.

Submission:

### **DPC49/6 – Christine Chong on behalf of Housing New Zealand – 6.1**

#### **Request of submitter**

51. The submitter requests that the plan change is approved subject to more investigation into the capacity of infrastructure.

#### **Discussion**

52. The submitter considers that if the capacity of the infrastructure was adequate that housing intensity could have been intensified.
53. The proposed provisions provide for medium density housing subject to obtaining resource consent for a restricted discretionary activity. The consideration of a medium density or multi-unit development includes an assessment against the Design Guide for Medium Density Housing. Neither the Design Guide nor any other provisions stipulate minimum section sizes. A well designed townhouse development could be expected to be granted resource consent and this could result in housing that would be more intensive than the existing development on the surrounding sites which is in line with the submission from Housing New Zealand. Accordingly it is not considered necessary to undertake further investigation into the infrastructural capacity of the area as the proposed provisions anticipate medium density development.

#### **Recommendation**

54. I recommend that the submission by Housing New Zealand [6.1] to undertake further investigation of infrastructure capacity be rejected.

#### **Further Evaluation**

55. Section 10(1) of the First Schedule requires a local authority to give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed plan change.
56. Section 10(2) of the First Schedule requires the decision to include the reasons for accepting or rejecting the submissions and must also include a further evaluation in accordance with section 32AA. This may include consequential alterations or any other matter arising in relation to the submissions received.
57. My recommendation is that no amendments to the Proposed Plan Change are necessary because no matters were raised in the submissions that warrant further evaluation. As such, pursuant to section 32AA(1)(a), no further evaluation is required as the proposed plan change is recommended to remain unaltered as assessed above.

## **PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991**

58. Under section 74(1)(b) of the RMA, a territorial authority must prepare and change its district plan in accordance with Part 2 of the RMA.
59. Sections 5-8 of Part 2 contain the purpose and principles of the RMA. An assessment of the proposed private plan change against Part 2 is provided below.

### **Section 5 – Purpose of the RMA**

60. Section 5 of the RMA promotes the sustainable management of natural and physical resources. Section 5 states:

*Sustainable Management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

- (a) *Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
61. I consider the proposed plan change is consistent with section 5 of the RMA for the reasons explained in section 5.4 – 5.9 of the Section 32 evaluation report.
62. In summary the proposed residential zoning would be consistent with the zoning of the surrounding area. The residential provisions and General Rules and in case of non-compliance with these provisions, the resource consent process, will address any potential adverse effects on the amenity of the surrounding area. The recreation zoning of 51 and 53 Hall Crescent is critical in improving the connectivity and visibility of the Copeland Street Reserve which should make the reserve more widely used.

### **Section 6 – Matters of national importance**

63. Section 6 of the RMA sets out the matters of national importance which are required to be recognized and provided for when managing the use, development and protection of natural and physical resources. Section 6e is considered to be relevant to the plan change. As stated in the Section 32 report a Cultural Values Report was prepared at the time Council was considering the revocation of the reserve status under the Reserves Act 1977. The report stated that there are “*no significant Maori cultural issues around the Copeland Street Reserve.*” The report highlighted the significance of the suburb being named ‘Epuni’ after chief Te Puni Kokopu and ‘Witako’ Street being named after Wi Tako Ngatata, Chief of Te Atiawa. As part of the consultation with iwi on the Plan Change Liz Mellish on behalf of Wellington Tenth Trust and Bruce Hodgins (Divisional Manager Parks and Gardens) have discussed naming the proposed new park. A proposal has been put forward by Liz Mellish on behalf of Wellington Tenth Trust. Bruce Hodgins has confirmed that once the plan change process is complete the proposal will be put before Council via the Naming Policy process.

### **Section 7 – Other matters**

64. Section 7 of the RMA details with the other matters which are required to be given particular regard to when managing the use, development and protection of natural and physical resources. The Section 7 matters that are applicable to this proposal are 7(b), 7(c), and 7(f). The Proposed Plan Change is considered to be consistent with these subsections, through the

proposed zonings ensuring that future development will be undertaken in a manner that is consistent with the established amenity and character of the local environment.

### **Section 8 – Treaty of Waitangi**

65. Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.
66. Consultation with the local iwi authorities was undertaken when formulating the plan change as well as during the draft plan change stage as required under section 4A of the Schedule 1 Part 1. No issues were raised by submitters in regard to iwi values. Ngati Toa confirmed that they did not have any concerns with the proposed plan change.
67. Lee Rauhina-August, on behalf of the Port Nicholson Block Settlement Trust, confirmed that the Cultural Values Report prepared in 2013 by Morrie Love (on behalf of the Wellington Tenth Trust) as part of the reserve revocation assessment process could be regarded as being on behalf of Port Nicholson Block Settlement Trust also. A second response on behalf of the Palmerston North Maori Reserve Trust, highlighted the significance of the street and suburb names, Witako Street and Epuni.

## **NATIONAL, REGIONAL AND LOCAL POLICY ANALYSIS**

68. A number of national, regional and local policy instruments are relevant to this proposed plan change. The following section provides an assessment against these instruments, in particular:
  - National Policy Statement on Urban Development Capacity
  - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
  - Wellington Regional Policy Statement
  - Proposed Natural Resources Plan
  - Surrounding District Plans
  - Hutt City's Urban Growth Strategy 2013 - 2032
  - Hutt City's Environmental Sustainability Strategy 2015 – 2045
  - The City of Lower Hutt District Plan

### **National Policy Statement on Urban Development Capacity**

69. The National Policy Statement on Urban Development Capacity (NPS-UDC) is directly relevant to this plan change. The NPS-UDC is about recognising the national significance of urban environments and the need to enable such environments to develop and change and providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
70. Sections 6.19 - 6.32 in the s32 report outlines in detail the relevant objectives and policies and how this proposal meets the objectives. In brief because there is adequate safeguards in place in the district plan provisions to maintain amenity and there is adequate infrastructure in place to provide for the future development of the site, it is considered that the proposed plan change achieves the objectives of the NPS-UDC.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

71. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (Contaminated Land NES) applies to earthworks, subdivision and

change in land use on sites that are or are likely to be classed on the Ministry for the Environment's Hazardous Activities or Industries List (HAIL).

72. As outlined in the Section 32 evaluation the previous use of the site as a bowling green means the site has been used for a purpose identified by HAIL. Therefore resource consent will be required under the Contaminated Land NES for any change in land use and for the disturbance of soil (earthworks) exceeding the standards identified in the Contaminated Land NES.
73. A Detailed Site Investigation was undertaken by Pattle Delamore Partners in late 2017 and their report is attached as Appendix 1. The report concludes that parts of the site previously occupied by the bowling club will need to have soil stripped and removed off site prior to residential use. The Detailed Site Investigation's conclusions are not unusual and were expected as outlined in the s32 report.
74. Submissions did not raise any points in relation to contamination.

### **Wellington Regional Policy Statement**

75. The Regional Policy Statement (RPS) for the Wellington Region sets out the regional perspective for managing the environment, and providing for growth and its effects. The RPS identifies significant resource management issues for the region and outlines the policies and methods that are required to achieve the integrated sustainable management of the region's natural and physical resources.
76. Objectives and policies of the RPS associated with **Section 3.9 Regional Form, Design and Function** are the most relevant to the proposed plan change. This proposed plan change has been fully assessed against those objectives and policies as part of the s32 evaluation. This assessment can be found in paragraph 6.36 of the Section 32 evaluation report. Objective 22 promotes a compact well designed sustainable regional form and this proposal is consistent with the RPS in that it provides for medium density housing in close proximity to local amenities.

### **Proposed Natural Resources Plan**

77. The proposed Natural Resources Plan for the Wellington Region is a combined air, land, water and coastal plan. Once it is made operative it will replace the existing Regional Coastal Plan and the following four regional plans – the Regional Air Quality Management Plan, the Regional Freshwater Plan, the Regional Plan for Discharges to Land and the Regional Soil Plan). However, all rules within the proposed Plan have immediate legal effect.
78. There are no specific objectives and policies in the Proposed Natural Resources Plan for the Wellington Region that are directly applicable to this Plan Change. Therefore I consider the Plan Change to be consistent with the Proposed Natural Resources Plan.

### **Consistency with the surrounding District Plans**

79. Section 74(2)(c) of the RMA requires the Council to consider the extent to which the proposed plan change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
80. The proposed plan change involves a small area of land which is located well within the boundaries of the City of Lower Hutt. It will have no effect on the plans or proposed plans of adjacent territorial authorities.

### **Hutt City's Urban Growth Strategy 2013 - 2032**

81. In 2014, Council approved the Urban Growth Strategy, which sets out the long term approach to managing growth and change in the City of Lower Hutt. The Urban Growth Strategy intends to increase the number of dwellings to meet the increasing demand for housing in Lower Hutt. The proposed plan change is consistent with the Urban Growth Strategy as the plan change provides for additional residential development within the urban area of Lower Hutt.

## **Hutt City's Environmental Sustainability Strategy 2015 – 2045**

82. 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.
83. The Plan Change does not conflict with the Environmental Sustainability Strategy.

### **The City of Lower Hutt District Plan**

#### **Area Wide Objectives and Policies of the District Plan**

84. Chapter 1 of the District Plan identifies the area wide objectives which the District Plan seeks to achieve. The area wide objectives and policies that are considered to be relevant to the proposal are:

##### *Objective 1.10.1 Resource Management and the Tangata Whenua of Lower Hutt*

*To respond to the principles of the Treaty of Waitangi and other matters of significance to tangata whenua as specified in the Act.*

##### *Policy 1.10.1 Resource Management and the Tangata Whenua of Lower Hutt*

- (d) *To consult with tangata whenua when discharging functions and duties under the Act.*

##### *Objective 1.10.2 Amenity Values*

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

##### *Policy 1.10.2 Amenity Values*

*To identify within all activity areas the general character and amenity values of that area.*

##### *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.*

##### *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.*

##### *Objective 1.10.6 Recreation and Open Space*

*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.*

##### *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.*

85. The Proposed Plan Change is considered to meet the above objectives and associated policies. The Proposed Plan Change achieves objective 1.10.2 by protecting the amenity of adjoining residential sites through the application of the same provisions as the surrounding sites.
86. The proposal is considered to be consistent with objective 1.10.3 as it consolidates the existing urban area.
87. Objective 1.10.6 is considered to be met as the plan change will preserve an adequate amount of recreation space in the Epuni area as well as improving the connection of the reserve with Hall Crescent through the rezoning of 51 and 53 Hall Crescent. The remaining recreation space is expected to be better utilised due to opening up the site via Hall Crescent.

### **Zone Specific Objectives and Policies**

88. The key zone specific objectives are as follows

*Objective 4A 1.1.1 Residential Character and Amenity Value*

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

*Objective 4A 1.1.2 Medium Density Residential Development*

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

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

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

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

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

89. Objectives 4A 1.1.1, 4A 1.1.2, and 4A 1.2.1 principally seek to ensure that residential development is provided for and that development in the General Residential Areas maintains the amenity values of the local environment. This zone contains rules that seek to ensure that development maintains the amenity values and character of the local environment. No issues have been raised by submissions that highlight the need for site specific provisions that are different from the surrounding residential area in order to preserve amenity values.
90. Objective 7A 1.1.1 seeks to ensure that recreational activities have no more than minor effects on adjoining residential properties.
91. The proposed recreation zoning of 51 and 53 Hall Crescent would mean that 55 Hall Crescent now abuts a recreation zone on two boundaries. There are however adequate and well tested provisions in place that protect residential amenity from development on recreation zoned sites. No new or additional provisions for this site over and above those that apply to General Recreation Activity Area sites are considered necessary.
92. The zone specific policies are

#### Policies 4A 1.1.1 Residential Character and Amenity Values

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

#### 4A 1.1.2 Medium Density Residential Development

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

#### 4A1.1.4 Non-Residential Activities

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

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

- (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

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

## **SUMMARY**

97. Proposed Plan Change 49 seeks to rezone the western portion of the Copeland Street Reserve from General Recreation Activity Area to General Residential Activity Area - Medium Density under the City of Lower Hutt District Plan. The area proposed to be rezoned is approximately 8288m<sup>2</sup> in area. The purpose of the plan change is to rezone the site to the most appropriate zoning following the revocation of the reserve status of the site. It is also proposed to rezone 51 and 53 Hall Crescent (Lots 6 and 7 Deposited Plan 25931) from General Residential Activity Area - Medium Density to General Recreation Activity Area.
98. A total of six submissions were received on the proposed plan change, out of which two supported the proposal, two opposed the proposal, one was neutral and one did not state a position. The matters raised by submissions focused on the loss of recreation space, potential infrastructure and flooding effects, the provision and security of gas services within the site and the need for further evaluation of infrastructural capacity in the area to allow even greater density.
99. An analysis has been undertaken of the relevant regional and local policy statements, plans and other non-statutory documents; including Part 2 of the RMA and the matters raised by the submission have been considered. I consider the proposed plan change to be consistent with the regional and local policy framework.

## **PLANNERS RECOMMENDATION**

100. I recommend that Proposed Plan Change 49 be approved without amendments.

**Appendix 1 – Detailed Site Investigation – Pattle Delamore Partners Ltd.**