

OFFICER'S REPORT FOR: Commissioner Lisa Bridson

SUBJECT: Proposed Private District Plan Change 45 – Rule Amendments and Rezoning of Land at 1N and 57N Mandel Mews

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REPORT DATE: 10 April 2017

HEARING: No Hearing Required

EXECUTIVE SUMMARY

On 28 November 2016 Cuttriss Consultants on behalf of Best Value Homes lodged a private plan change request with Council.

Proposed Private District Plan Change 45 seeks to delete Rules 4A 2.1 (q) and 11.2.2.1 (a) 'Other' from the City of Lower Hutt District Plan (District Plan) and to rezone Lot 64 DP 329306 (57N Mandel Mews) from General Residential Activity Area to General Recreational Activity Area.

The proposed plan change will provide for the development and use of 1N Mandel Mews for residential purposes as a permitted activity by deleting site specific Rules 4A 2.1(q) and 11.2.2.1(a).

Council assessed the request and concluded that there is adequate information to make a decision on how to proceed with the request. Council formally accepted the private plan change request on 15 December 2016 and instructed officers to commence the plan change process for a private plan change as set out in Part 2 of the First Schedule of the Resource Management Act 1991 (RMA).

Proposed Plan Change 45 was notified on 24 January 2017 and submissions closed on 24 February 2017. The summary of submissions was notified on 14 March 2017 and further submissions closed on 28 March 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 three submissions, one late submission and no further submissions were received. In summary the submissions seek the following:

- Keep things as they are;
- Grant the proposed private plan change;
- Proceed with rezoning 57N Mandel Mews with suggested changes;
- Do not enable development on either subject site.

All submitters have confirmed they do not wish to be heard. Therefore pursuant to Section 8C of the first schedule of the RMA, a hearing is not required.

This report recommends that proposed Private Plan Change 45 as lodged by Cuttriss Consultants Ltd on behalf of Best Value Homes be approved.

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1. INTRODUCTION

Author

- (1) My full name is Remo Nirmitha Bangi. I hold a Master of Planning degree from the University of Auckland and a Bachelor of Technology in Planning from India. I am an associate member of the New Zealand Planning Institute.
- (2) For the past 22 months, I have been working as Graduate Environmental Policy Analyst at Hutt City Council, where I am involved with the preparation and processing of District Plan Changes.
- (3) I have visited the sites at 1N Mandel Mews and 57N Mandel Mews and I am familiar with the surrounding area. I have been involved in the plan change process since public notification.
- (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 Private Plan Change 45.

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 45.
- (6) My evidence is structured as follows:
 - Introduction to the proposed plan change;
 - Background to the proposed plan change;
 - Description and history of the site;
 - The requirements for considering a plan change;
 - Consultation;
 - List of submitters;
 - Analysis of submissions;
 - Analysis of relevant regional and council policies;
 - Summary; and
 - Planner's recommendation to the commissioner.

2. INTRODUCTION TO THE PROPOSED PLAN CHANGE

- (7) This private plan change has been prepared by Cuttriss Consultants on behalf of Best Value Homes Limited (the requestor). Council formally accepted the private plan change request on 15 December 2016.

- (8) The intention of Proposed Private Plan Change 45 is to delete site specific Rules 4A 2.1(q) and 11.2.2.1(a) from the District Plan and to rezone the property at 57N Mandel Mews from General Residential Activity Area to General Recreational Activity Area.
- (9) The two sites subject to this proposed private plan change are located at 1N Mandel Mews and 57N Mandel Mews. Both sites are currently zoned as General Residential Activity Area and have a 300mm wide strip zoned as General Business Activity Area along their western boundaries. The proposed private plan change would enable residential use of 1N Mandel Mews by removing site specific rules that restrict the site to reserve use only. The proposed rezoning 57N Mandel Mews to General Recreational Activity Area reflects the current and intended future use of the site as a green separation strip.
- (10) 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 January 2017.

3. SITE DESCRIPTION

- (11) The sites subject to the Proposed Private Plan change are at 1N Mandel Mews and at 57N Mandel Mews.
- (12) The property at 1N Mandel Mews is a flat vacant lot located on the western side of Mandel Mews. The site is an irregular shape with a triangular area of 185m² at the northern end. The remaining part is a strip of vegetated land with a width varying from 2m to 4m.
- (13) The property at 57N Mandel Mews is a flat vacant lot, located on the western side of Mandel Mews. It is located immediately to the south of 1N Mandel Mews and has an irregular shape. The site is a 2m to 3m wide vegetated strip of land in the northern and southern parts. The middle section is triangular with an area of 145m².
- (14) The western boundary of both sites adjoins General Business Activity Area, which is owned and used by Kiwirail as a service yard and a commercial warehouse. The properties on the eastern side of the subject sites and Mandel Mews are zoned General Residential Activity Area and occupied by mainly single storey dwellings.
- (15) The sites subject to the private plan change are legally described as Lot 64 DP 319972 (held in Computer Freehold Register WN78811) and Lot 64 DP 329306 (held in Computer Freehold Register WN119824). The following consent notices and encumbrances apply:
 - Encumbrance relating to the construction and repair of fencing along the common boundary with Kiwirail.
 - Encumbrance imposing a no complaints policy on the subject sites and prohibiting owners or occupiers from lodging, being party to or financing a submission, application or proceeding, designed to limit, prohibit or restrict the current or future uses of adjoining rail yards.
 - Consent notice 5702215.1 – informs owners of the need to meet a minimum floor height as shown on a specified survey plan and that their properties are subject to ponding and overland flow. Several conditions of the consent notice relate to contamination and land suitability, noting that the sites are remediated and suitable for residential use.

- Consent notice B657968.3 – advises owners that they must provide vehicle turning areas and pay the costs of constructing any storm water disposal infrastructure.
- (16) The sites currently have split zoning as General Residential Activity Area and General Business Activity Area. The 300mm strip along the western boundary of the sites was zoned as General Business Activity Area to avoid triggering any specific provisions due to a General Residential property abutting a General Business site (Kiwirail yard). The site specific provisions restricting the sites' use to reserve were introduced to the Operative District Plan in 2004 as a measure to address potential reverse sensitivity effects of residential activities on the Kiwirail yard.

4. BACKGROUND TO PROPOSED PRIVATE PLAN CHANGE 45

- (17) The sites are owned by Best Value Homes (the requestor) who has considered a variety of development options for the sites and concluded that 1N Mandel Mews would be put to best use by enabling residential activity on the site. To reflect the existing and ongoing use of 57N Mandel Mews as a green separation strip, the requestor seeks to rezone the site as General Recreational Activity Area.
- (18) If the proposed private plan change is approved by the Council, and the Rules 4A 2.1(q) and 11.2.2.1(a) are deleted from the District Plan, future residential activity is anticipated on 1N Mandel Mews. The residential development on the site would be managed by the existing District Plan provisions.

Process

- (19) The process of the Proposed Private Plan Change 45 is summarised in the table below:

Date	Event
28 November 2016	Cuttriss Consultants Limited (on behalf of the requestor) lodged a private plan change request with the Council. The Council undertook an initial assessment, which concluded that no further information was required and that the Council has sufficient information to proceed with request.
15 December 2016	The Council formally accepted the request for the Proposed Plan Change 45 and instructed Council officers to proceed with public notification.
24 January 2017 – 24 February 2017	Submissions period – Proposed Plan Change 45 was publicly notified on 24 January 2017, and submissions closed on 24 February 2017. A total of three submissions were received. Officers prepared the summary of decisions requested.
14 March 2017– 28 March 2017	Further submissions period – The summary of decisions requested was notified on 14 March 2017, and further submissions close on 28 March 2017. No further submissions were received. However one late submission was received on the closing date of the further submission phase.

Consultation

- (22) Prior to the notification of the proposed private plan change, the requestor consulted with 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.
- (23) 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. The Wellington Tenths Trust responded that they do not have any issue with the proposed plan change.
- (24) The requestor has also consulted with Kiwirail and Greater Wellington Regional Council (GWRC). Kiwirail and the requester agreed on imposing private land covenant on the title of Lot 64 DP 319972. This private land covenant will set development standards for any future development on the site. The site specific development standards address reverse sensitivity effects (noise and vibration) of the adjoining rail yards on the potential residential development on the site.
- (25) The requestor consulted with the flood protection team of GWRC regarding minimum floor level height for future buildings on the site. In response from GWRC, a letter (Appendix 3 to section 32 report) was received on 25 October 2016 informing that GWRC does not oppose the proposed private plan change and suggested a minimum floor height of 2.9m above Wellington 1953 Datum for the potential development.
- (26) As outlined above, once accepted by Council the proposed private plan change was publicly notified on 24 January 2017. Letters were sent to statutory contacts and owners and occupiers of the surrounding residential properties informing them of the plan change and providing the opportunity to make submissions.
- (27) The summary of decisions sought was notified on 14 March 2017, and further submissions closed on 28 March 2017. Overall three submissions, one late submission and no further submissions were received.

5. LIST OF SUBMITTERS

- (28) The following list of submitters have lodged submissions on the Proposed Private Plan Change 45:

Submission number	Name of Original Submitters	Submission Reference
DPC45/1	L & L Williams	1.1
DPC45/2	Sam Gifford – Cuttriss Consultants Ltd (the requestor)	2.1
DPC45/3	Barbara Dunn	3.1 & 3.2
DPC45/4	Christine Meredith – Late Submission	4.1

6. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

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

(30) 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.

(31) 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.”

(32) A submission on a plan change is therefore limited in that it must be “on” the plan change. In the case of the Proposed Private Plan Change 45, the intention of deleting the Rules 4A 2.1(q) and 11.2.2.1(a) was to enable residential development on the subject site at 1N Mandel Mews and rezone the land at 57N Mandel Mews to General Recreational Activity Area. Accordingly, for a submission to be deemed to be within the scope of the Proposed Private Plan Change 45, the submission must relate to any one of the issues addressed in the plan change.

(33) Full copies of the submissions received and the summary of submissions are available on Council’s website.

Late Submission

(34) One late submission was received on the closing date of the further submission phase. Under Section 37 of the RMA, Council has the power to decide whether or not to waive a failure to comply with a set timeframe. Council can decide to waive the failure to comply with a timeframe only after taking into account:

- the interests of any person who, in its opinion, may be directly affected by the waiver;
- the interests of the community in achieving adequate assessment of the effects of the Plan Change; and
- its duty under Section 21 of the RMA to avoid unreasonable delay.

(35) In considering whether to accept or reject the late submission the following may be considered:

- The late submission was received on the closing date of the further submission phase and therefore was not included in the Summary of Decisions Requested. Consequently there was no opportunity for further submissions on the issues raised in this submission.
- The plan change process has not been held up in any way to date by this submission but would be if the submission was notified to provide the opportunity for further submissions.
- The late submission does not raise any new RMA matters or seek any new decisions which would compromise the ability to fairly assess the effects of the Plan Change.

Analysis of Submissions

Submission:

DPC45/1 – L & L Williams – 1.1

Request of Submitter

(36) The submitters oppose Proposed Private Plan Change 45 and request to keep things as they are.

Discussion

(37) The submitters are against the construction of a building on the subject site at 1N Mandel Mews as they are concerned that a new building would deter what attraction they have on their entrance into Mandel Mews and cause traffic and parking issues.

(38) Any potential future development and use of the site would be adequately managed by the existing provisions of Chapters 4A (General Residential) and 14A (Transport) of the District Plan. If a potential development breaches a permitted activity standard of the District Plan resource consent is required and the potential adverse effects (e.g. traffic, parking, amenity effects) would be assessed.

(39) In conclusion, any adverse amenity or character effects resulting from the future development of the application site can be appropriately addressed by the existing rules of the District Plan at the time of development.

Recommendation

(40) I recommend that the submission lodged by L & L Williams [1.1] be rejected.

Submission:

DPC45/2 - Cuttriss Consultants Ltd (on behalf of the requestor) – 2.1

Request of Submitter

(41) The submitter supports the Proposed Private Plan Change 45 and requests that the private plan change be granted.

Discussion

(42) This submission was made by Cuttriss Consultants on behalf of the requestor to raise and provide further clarification on a minor administrative oversight that was identified after public

notification of the Proposed Plan Change 45.

- (43) The submitter points out that the Section 32 evaluation report incorrectly identified the subject sites as being zoned as General Residential Activity Area in their entirety. However, Appendix 12 of Chapter 4A of the operative District Plan identifies a 300mm wide strip along the western boundary of both sites which is zoned as General Business Activity Area. The submitter seeks to maintain the outcome sought by the proposed private plan change and clarifies that the intention of the plan change, which is to remove Rules 4A 2.1(q) and 11.2.2.1(a) to enable residential activity on Lot 64 DP 319972 and rezone the Lot 64 DP 329306 entirely as General Recreation Activity Area, remains unchanged.
- (44) The submitter states that despite not identifying the split zoning of the subject sites, the Section 32 report and evaluation of options and the level of assessment undertaken are still valid. Furthermore the adjoining site is a designated site and as such can be utilised by the requiring authority, KiwiRail, for the purposes of the designation, outside of the confines of the District Plan
- (45) I have considered the issues raised by the submitter and agree that the lack of identifying the existing split zoning of the sites and the 300mm General Business zoning along the boundaries of the sites in the propose private plan change does not change the envisaged outcome and intention of the private plan change.
- (46) The current 300mm general Business zoning does not make any material difference to the residents along Mandel Mews. The only party directly affected by the zoning and the proposed rezoning would be Kiwirail who have not raised any concerns with the intended outcome of the private plan change or the additional matter raised in the submission.
- (47) I consider that the oversight of the split zoning in the private plan change application and the fact that it was raised by the requestor during the submission phase does not have a negative impact on a fair process. While the identification of the split zoning changes the starting point of the private plan change request the outcome sought by the plan change remains unchanged. The submission is therefore within the scope of the initial private plan change request.

Recommendation

- (48) I recommend that the submission lodged by Cuttriss Consultants Ltd (on behalf of the requestor) [2.1] be accepted.

Submission:

DPC45/3 – Barbara Dunn – 3.1 & 3.2

Request of submitter

- (49) The submitter opposes the plan change in part (building of a new dwelling on 1N Mandel Mews) and supports the plan change in parts with improvements (declaring 57N Mandel Mews as reserve).

Discussion

- (50) The submitter opposes the proposal to enable development on the northern portion of 1N Mandel Mews. The submitter considers that building a dwelling on the subject site would be a departure from normal allowable boundaries from adjoining properties and the road. The submitter is also concerned with traffic flows (in and out of Mandel Mews and the workshop gates) due to the narrow roadway and driveways of 1 and 3 Mandel Mews.

- (51) I consider that the potential development on the subject site and the effects can be sufficiently managed by the existing provisions of Chapters 4A (General Residential) and Chapter 14A (Transport) of the District Plan. If a potential development breaches a permitted activity standard of the District Plan resource consent is required and the potential adverse effects (e.g. traffic, parking, amenity effects) would be assessed.
- (52) The submitter has no issue with rezoning the lot at 57N Mandel Mews to General Recreational Activity Area and suggests to remove a tree and to concrete a 3 x 2 metre area next to her property. The submitter appears to be discussing a small area of land outside the private plan change boundaries which is situated next to her property at 57 Mandel Mews. In any event I consider that maintenance of the lot at 57N Mandel Mews is outside the scope of the plan change proposal.

Recommendation

- (53) I recommend that submission point 3.1 raised by Barbara Dunn be rejected. Submission point 3.2 is considered to be outside the scope of the private plan change.

Submission:

DPC45/4 – Christine Meredith – 4.1 – Late Submission

Request of submitter

- (54) The submitter opposes the Proposed Private Plan Change 45 and is against the joining of 1N and 57N into one site for building purposes.
- (55) The submission was received on the closing date of the further submission phase and there was no opportunity to notify the submission for further submissions.
- (56) The submission content is discussed below in case the submission is accepted.

Discussion

- (57) The submitter is concerned that constructing a dwelling on the northern portion of 1N Mandel Mews would make that part of the road narrower than it already is, thereby restricting traffic flow especially during emergency evacuations.
- (58) The submitter also raised a concern with parking, setbacks and height of the potential dwelling being inconsistent with the other dwellings in the neighbourhood.
- (59) I consider that the potential development of the subject site and any potential effects will be sufficiently managed by the existing provisions and development standards of Chapters 4A (General Residential) and 14A (Transport) of the District Plan. If the potential development does not comply with a permitted activity standard of the District Plan, the effects on amenity and transport would be addressed through a resource consent application.
- (60) The submitter also expressed a concern about the maintenance of the subject sites. I consider that the maintenance of the subject sites is outside the scope of this plan change proposal.

Recommendation

- (61) I recommend that the submission lodged by Christine Meredith [4.1] be rejected.

7. STATUTORY FRAMEWORK

(62) Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b), Part 2 of the First Schedule applies.

(63) In making its decision, Clause 29 of the First Schedule of the RMA states that:

“29 Procedure under this Part

- (1) Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).*
- (1A) Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person’s right to make a submission is limited by subclause (1B)*
- (1B) A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—*
 - (a) adversely affects the environment; and*
 - (b) does not relate to trade competition or the effects of trade competition.*
- (2) The local authority shall send copies of all submissions on the plan or change to the person who made the request.*
- (3) The person who made the request has the right to appear before the local authority under clause 8B.*
- (4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—*
 - (a) may decline, approve, or approve with modifications the plan or change; and*
 - (b) must give reasons for its decision.*
- (5) In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.*
- (6) The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.*
- (7) Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.*
- (8) Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.*
- (9) With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.”*

(64) Under this clause, because the plan change is a private request, Council is able to, and is obliged to, consider the plan change in its entirety and is not restricted to considering just

those matters raised in submissions. The reason for this difference from Council initiated plan changes is that a private plan change is not a Council policy proposal. There is also no legal requirement for the Council to respond to submissions directly as a result (clause 29(4) vs clause 10) although the submissions received are a relevant matter for the Council to consider as part of the decision making process.

- (65) After reaching a decision, Council must publicly notify the decision. Public notice of Council's decision will be given as soon as practicable, following completion of all administrative tasks.

Further Evaluation

- (66) Clause 29 (4) of the First Schedule of the RMA requires a local authority to undertake a further evaluation of the plan change in accordance with section 32 AA.
- (67) In relation to the submission by Cuttriss Consultants on behalf of the requestor the submitter points out a minor oversight when preparing the plan change and the section 32 evaluation. The submitter clarifies that the subject sites have a 300mm wide strip along the western boundary zoned as General Business Activity Area that has not been identified in the private plan change request.
- (68) I agree with the submitter that the outcome sought by the proposed private plan change remains unchanged, that is to remove Rules 4A 2.1(q) and 11.2.2.1(a) to enable residential development on Lot 64 DP 319972 and rezone the whole of Lot 64 DP 329306 to General Recreation Activity Area. Therefore, the assessment undertaken for Section 32 evaluation and options considered are still valid.
- (69) The remaining submissions generally opposed the proposed private plan change and no new matters have been raised that require consequential alteration to the plan change. As such, pursuant to section 32AA(1)(a), I consider no further evaluation is required as the proposed plan change would otherwise remain unaltered as assessed by the initial evaluation report.

8. PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991

- (70) 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.
- (71) 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

- (72) 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.*”

- (73) I consider the proposed private plan change is consistent with section 5 of the RMA for the reasons explained in section 7.1 of the Section 32 evaluation report and also the following:
- (74) The proposed private plan change, as suggested will enable residential activity on Lot 64 DP 319972 and rezone Lot 64 DP 329306 to General Recreation Activity Area. Residential development on Lot 64 DP 319972 would cater for the housing demand within the City of Lower Hutt thereby contributing to social and economic wellbeing of the community. Rezoning Lot 64 DP 329306 to General Recreation Activity Area would retain the use of the site as buffer strip addressing reverse sensitivity effects.
- (75) The proposed 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.

Section 6 – Matters of national importance

- (76) 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. No matters of section 6 are considered to be relevant to the proposal.

Section 7 – Other matters

- (77) Section 7 of the RMA details 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 proposed private plan change is considered to be consistent with relevant matters of Section 7. The matters relevant to the proposed private plan change and the assessment against those relevant matters are discussed in section 7.1 of the Section 32 evaluation report. I agree with the assessment provided by the private plan change requestor.

Section 8 – Treaty of Waitangi

- (78) Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.
- (79) The principles of the Treaty of Waitangi have been taken into account in the analysis of this proposed private plan change. The subject sites are not situated within or near any sites or areas which are identified in the District Plan as being significant to Maori. Consultation with the local iwi authorities has been carried out by the private plan change requestor and the local iwi have not raised any concerns with the proposal throughout this plan change process.

9. NATIONAL, REGIONAL AND LOCAL POLICY ANALYSIS

- (80) A number of regional and local policy instruments are relevant to this proposed private plan change. The following section provides an assessment against these instruments, and in particular:
- National Environmental Standards for Assessment and Managing Contaminants in Soil to Protect Human Health (Contaminated Land NES)

- Wellington Regional Policy Statement
- Wellington Regional Strategy
- Consistency with the surrounding District Plans
- Hutt City Urban Growth Strategy
- The City of Lower Hutt District Plan
- Hutt City Council strategies and plans:
 - Integrated vision 2014;
 - Long Term Plan (LTP) 2012;
 - Economic Development Strategy 2009-2014;
 - Environmental Sustainability Strategy 2009;

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

- (81) 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).
- (82) As outlined in the Section 32 evaluation the sites subject to the private plan change are listed on Greater Wellington Regional Council's Selected Land Use Register and is deemed to have been subject to a land use identified by HAIL. Therefore resource consent will be required under the NES for any change in land use and for the disturbance of soil (earthworks) exceeding the standards identified in the NES.
- (83) I agree with the finding of the section 32 evaluation that the provisions of the NES are appropriate and adequate to address any contamination of the sites.

Wellington Regional Policy Statement

- (84) 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.
- (85) Objectives and policies of RPS associated with **Section 3.3 Energy, Infrastructure and Waste, Section 3.8 Natural Hazards** and **Section 3.9 Regional Form, Design and Function** are the most relevant to the proposed private plan change. This proposed plan change has been fully assessed against those objectives and policies as part of Section 32 evaluation. This assessment can be found in section 7.2 of Section 32 evaluation report. I agree with the assessment undertaken for the Section 32 evaluation and consider that the proposed private plan change is consistent with the RPS.

Wellington Regional Strategy

- (86) The Wellington Regional Strategy is a sustainable growth strategy that has been developed by the nine local authorities within the Greater Wellington Area, in conjunction with central government, and the region's business, education, research and voluntary sector interests.

- (87) The proposed private plan change would enable for a residential development on a subject site which would generate employment opportunities on a local scale and thereby contributing to economic growth. Therefore I consider the proposed private plan change to be consistent with the Wellington Regional Strategy.

Consistency with the surrounding District Plans

- (88) Section 74(2)(c) of the RMA requires the Council to consider the extent to which this proposed private plan change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (89) 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 and is not inconsistent with them.

Hutt City Urban Growth Strategy

- (90) 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 number of dwellings to meet the increasing demand for housing in Lower Hutt. I consider the proposed private plan change to be consistent with the Urban Growth Strategy as the plan change provides for development of a dwelling within the urban area of Lower Hutt.

The City of Lower Hutt District Plan

Area Wide Objectives of the District Plan

- (91) 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 from the District Plan sections:

- 1.10.2 Amenity Values
- 1.10.3 Residential Activity
- 1.10.6 Recreation and Open space
- 1.10.11 Lessening Natural Hazards

- (92) Assessment against the objective and policies of the above section has been undertaken as part of Section 32 evaluation. I consider that the proposed private plan change achieves area wide objectives and policies of the District Plan as explained in section 7.6 of Section 32 report.

Specific District Plan Objectives and Policies

- (93) I agree with the findings of the Section 32 provided by the requestor as part of the private plan change request with regard to the specific District Plan objectives and policies that are relevant for this proposal (Chapter 7.6 of the Section 32 evaluation).

Hutt City Council Strategies and Plans

- (94) Council has a number of strategies and plans that detail the priorities of Lower Hutt. The ones that are relevant to the proposed private plan change are:
- Integrated Vision 2014;
 - Long term Plan (LTP) 2015;
 - Economic Development Plan 2015 – 2020;

- Environmental Sustainability Strategy 2015 – 2045.

(95) I consider the proposed private plan change to be consistent with the outcomes sought under the listed relevant strategies and plans.

10. SUMMARY

(96) The proposed private plan change seeks to delete Rules 4A 2.1(q) and 11.2.2.1(a) and to rezone the site at 57N Mandel Mews to General Recreation Activity Area. The purpose of the plan change is to enable residential activity on Lot 64 DP 319972 at 1N Mandel Mews and to provide for the ongoing use of Lot 64 DP 329306 at 57 Mandel Mews as a green separation strip. No new provisions are proposed as part of this private plan change.

(97) A total of four submissions were received on the proposed plan change, out of which one (submitted by the requestor) was in full support of the application. The matters raised by the other submissions include traffic and parking problems, inconsistency with the surrounding dwellings and maintenance of subject sites.

(98) As part of their submission in support the requestor points out an oversight in preparing the plan change request and the Section 32 evaluation. The oversight relates to a 300mm wide strip along the western boundary that is currently zoned as General Business Activity Area but not identified in the plan change for rezoning. The requestor pointed out that the intention and the outcomes sought for the proposed plan change remain unchanged. I consider that there are no other outstanding issues with the proposed plan change.

(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. I consider the proposed private plan change to be consistent with the regional and local policy framework.

11. PLANNERS RECOMMENDATION

(100) I recommend that the zoning of a 300mm wide strip along the western boundary as General Business Activity Area that was not identified in the initial private plan change request be noted and Proposed Private Plan Change 45 be approved without amendments.