

**OFFICER'S REPORT FOR:** District Plan Subcommittee

**SUBJECT:** Proposed District Plan Change 18 –  
238 Stokes Valley Road – Rezoning as General  
Residential Activity Area

**PREPARED BY:** Chloe Smith, Environmental Policy Division,  
Hutt City Council

**REPORT DATE:** 3 August 2011

**DATE OF HEARING:** No hearing required

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### **EXECUTIVE SUMMARY**

The purpose of Proposed Plan Change 18 is to re-zone the Hutt City Council (Council) owned site at 238 Stokes Valley Road from General Recreation Activity Area to General Residential Activity Area in the City of Lower Hutt District Plan.

This Plan Change is the result of Council's review of all the land it holds in fee simple title throughout the City. The objective of the review is to ensure all Council owned land is being used for the most appropriate purpose. The review included an assessment of the contribution made by each of these sites to the City's open space and reserve network.

The site the subject of this Plan Change was included in the review as it was considered by Council to no longer be required for the recreational purpose for which it was originally acquired. Further assessment by Council of the future potential of this site concluded that its contribution to the local and city-wide open space/recreational network was low. Consequently, Council has resolved to declare the land surplus for recreational and open space purposes subject to the outcome of this proposed plan change to re-zone it residential.

Plan Change 18 was notified on 12 April 2011, with submissions closing on 13 May 2011. The summary of submissions was notified on 7 June 2011, with further submissions closing on 21 June 2011.

A total of one original submission and no further submissions were received.

As the only submitter has withdrawn their request to be heard on this plan change, no hearing of submissions is required as stated in Schedule 1, Part 1, Section 8C of the Resource Management Act 1991.

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

**CONTENTS**

- 1. INTRODUCTION .....3
- 2. BACKGROUND .....3
- 3. HISTORY/SITE DESCRIPTION.....4
- 4. LIST OF SUBMITTERS .....5
- 5. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS .....5
  - Submission: DPP12-5-18-001 - Greater Wellington Regional Council - 1.1.....5
- APPENDIX 1: PLAN CHANGE AS RECOMMENDED .....7**

## 1. INTRODUCTION

This report discusses and makes a recommendation on the submission received in relation to Plan Change 18 – 238 Stokes Valley Road – Rezoning as General Residential Activity Area (hereafter referred to as the Plan Change).

The intention of the Plan Change is to re-zone the Hutt City Council (Council) owned site at 238 Stokes Valley Road from General Recreation Activity Area to General Residential Activity Area in the City of Lower Hutt District Plan (the District Plan).

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

## 2. BACKGROUND

Since 2007 the Council has been undertaking a review of the land it holds in fee simple title throughout the city. The objective of the review is to ensure all Council owned land is being used for the most appropriate purpose, based on an assessment of the local and city-wide open space contribution that each site makes.

A Council sub-committee subsequently considers the assessment undertaken and makes a recommendation on the future of each site – to either retain the land under the Reserves Act or consider releasing it for sale. This recommendation is then publicly notified, as required under the Local Government Act, and public submissions called for. After considering the submissions received, the Council makes a decision on the future of the site.

In terms of the future of the site at 238 Stokes Valley Road, Stokes Valley, this matter was considered by Council on 21 July 2009 and the following resolution was passed:

**RESOLVED: Minute No. C 090316(2)**

*"That Council:*

- i. in respect of the part of the property at 238 Stokes Valley Road (Lot 2 DP 18888), comprising the former custodian's house and grounds, as identified in the revocation proposal, in terms of s24 of the Reserves Act 1977, rejects the objection by Grant Roberts and recommends to the Minister of Conservation that the reserve status be revoked to enable this part of the property to be declared surplus and sold and the proceeds used for the improvement, development or purchase of other reserves in accordance with Council's Reserves Strategy".*

Following the adoption of these resolutions Council sought the consent of the Minister of Conservation, under s24 of the Reserves Act, to revoke the recreation reserve status 238 Stokes Valley Road. Ministerial consent was confirmed for the Stokes Valley Road site by the Department of Conservation on 3 December 2009.

Plan Change 18 was notified on 12 April 2011, with submissions closing on 13 May 2011. The summary of submissions was notified on 7 June 2011, with further submissions closing on 21 June 2011.

### **3. HISTORY/SITE DESCRIPTION**

#### **Historic context:**

The site was originally part of a larger land holding owned by the estate of Thomas Delaney (Part 69, Certificate of Title WN348/177). In 1956 the estate subdivided a portion of this area, with the subject site identified on Deposited Plan 18888 as public reserve. The reserve was vested in the Crown under s13 of the Land Subdivision in Counties Act 1953, but was subsequently vested to the Council in freehold under the Municipal Corporations Act 1954.

The present title for the site (WN825/53) was issued at a later stage in the name of the Lower Hutt City Council. It is currently held in freehold by Council as a recreation reserve subject to the Reserves and Domain Act 1953.

#### **Site description:**

The site is zoned General Recreation Activity Area and is situated on the western side of Stokes Valley Road, immediately adjoining the southern boundary of Speldhurst Park. It comprises an unsurveyed area of land of approximately 990 m<sup>2</sup> within Lot 2 DP 18888, Certificate of Title WN825/53. The subject area is not managed as a reserve or included in any Reserve Management Plan.

Although the total area of the legal parcel is 2217 m<sup>2</sup>, it is only the area currently fenced and/or developed for residential purposes that is proposed to be re-zoned. The balance area will retain its current General Recreation Activity Area zoning. This includes the portion of the site at the western end that physically forms part of Delaney Park, the sealed walkway and bridge (over the storm water channel that currently bisects the subject site) along the southern boundary that connects Stokes Valley Road and Delaney Park and the gravel path along the western boundary that runs from Speldhurst Park to Delaney Park.

The subject site is a flat, grassed area that contains a dwelling and two small ancillary buildings. A driveway runs centrally from the road to the rear of the site. Established specimen trees are planted along the southern boundary adjacent to the sealed walkway to Delaney Park, and there is a hedge of established trees in Speldhurst Park along the northern boundary.

The buildings and their associated grounds are physically separated from Delaney Park by fencing along the proposed southern and western boundaries of the site. The boundary with Speldhurst Park to the north is also fenced. The dwelling was originally constructed for the purpose of housing an on-site custodian. With the advent of changes in work practices and parks maintenance operations the dwelling is no longer required for this purpose and has been privately tenanted for some years.

The adjacent areas to the north and west of the site are within the General Recreation Activity Area and consist of sports grounds and facilities associated with Speldhurst and Delaney Parks respectively. The surrounding properties to the south and east are within the General Residential Activity Area and are predominantly used for residential purposes. The Stokes Valley Shopping Centre is also located in the vicinity of the site, to the immediate north of Speldhurst Park, and is within the Suburban Commercial Activity Area.

#### 4. LIST OF SUBMITTERS

The following submitter has lodged a submission on Plan Change 18:

Submission Number	Name of Original Submitters	Submission Reference
DPP12-5-18-001	Greater Wellington Regional Council	1.1

#### 5. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

This section of the report provides a brief summary of the submission and a recommendation in response to the decision sought.

In the heading the submission number, the name of the submitter and the submission reference are printed in bold. Then the decision sought by the submitter is outlined and specific comments made by the submitter are summarised. This is followed by a discussion of the issues raised and the officer's recommendation.

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

*"6. Making submissions*

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

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

In the case of Plan Change 18 the purpose of the Plan Change was to address the intention to zone a Council owned parcel of land as General Residential Activity Area.

Accordingly, for a submission to be deemed to be within the scope of Plan Change 18 the submission must relate to any one of the issues addressed in the Plan Change.

Submission:

**DPP12-5-18-001 - Greater Wellington Regional Council - 1.1**

##### **Request of Submitter**

Not stated.

##### **Specific Comments**

The submitter wishes to make a neutral submission on Proposed Plan Change 18. The plan change was assessed for its consistency with regional policy documents and was found to be generally consistent.

##### **Discussion**

The Submission received from Greater Wellington Regional Council relates to Proposed Plan Changes 17 to 21, however the main issues addressed relate to Proposed Plan Change 20. The submission is still directly relevant to Plan Change 18 as it specifically states it was assessed for its consistency against regional policy documents and found to be generally consistent.

### **Recommendation**

It is recommended that the submission lodged by Greater Wellington Regional Council be **Accepted** to the extent that the provisions of Proposed Plan Change 18 remain unchanged.

**APPENDIX 1: PLAN CHANGE 18 AS RECOMMENDED**



Proposed Plan Change 18

Planning Map G2 : Amend by rezoning the identified hatched area from General Recreation Activity Area to General Residential Activity Area.  
238 Stokes Valley Road, Stokes Valley



Scale 1:2,500



**District Plan - City of Lower Hutt**