

**OFFICER'S REPORT FOR:** Independent Hearings Commissioner: Robert Schofield

**SUBJECT:** Proposed District Plan Change 22: 6 – 15 Kelso Grove, Kelson, rezoning of part of the site as General Residential Activity Area

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## **EXECUTIVE SUMMARY**

The purpose of Proposed District Plan Change 22 (the Plan Change) is to rezone a portion of the Hutt City Council owned property at 6 – 15 Kelso Grove, Kelson, as General Residential Activity Area in the City of Lower Hutt District Plan (The District Plan). The entire site, which is known as Kelson Sportsground, is currently within the General Recreation Activity Area of the District Plan.

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

In order for the subject part of the site to be used for residential purposes a plan change is required to rezone the land to a residential activity area. The area proposed to be re-zoned General Residential Activity Area by the Plan Change is approximately 1.64 hectares and is generally located within the northern and western portion of the site as shown on the plan in Appendix 1 to the Plan Change. It is proposed that the balance of the property remain within the General Recreation Activity Area. No new District Plan provisions, such as objectives, policies and rules, are proposed to be introduced as a result of the Plan Change. The only amendments which would need to be made are to the District Plan maps to reflect the zone change.

The Plan Change was notified on 24 May 2011 with submissions closing on 24 June 2011. The summary of submissions was notified on 12 July 2011, with further submissions closing on 26 July 2011.

A total of 5 original submissions were received. Three submissions opposed the Plan Change. One submission supported the Plan Change in part and one submission was neutral. No further submissions were received.

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

- To retain the whole of Kelson Sportsground within the General Recreation Activity Area.
- To retain the whole area as existing and that further investigation be undertaken into a number of matters including provision of pedestrian access to the reserve, sewerage options and their implications on the Vista Grove temporary pipeline, the geology of the slopes and mitigation options, measures to ensure good urban design, and that the traffic assessment take into account approved subdivisions in Kelson and their impacts on the State Highway 2 intersection with Major Drive.
- That the Council implements the PAOS Ltd recommendation of a development plan for the reserve.
- That the Council recognise the importance of the Kelson Sportsground as the only dog exercise area in Kelson and ensure the dog exercise status of the remaining reserve is retained.
- That the Council scope the viability of Option 3 of the Section 32 Analysis, to rezone part of the site Hill Residential Activity Area, as an alternative to rezoning as General Residential Activity Area.
- That the Council support and implement a weed control and replanting programme for the reserve.
- That the vegetation on the site is not cleared.
- That caveats or covenants or some other legal form of protection be given to preserve the trees contained within the site.
- That should the Plan Change be approved, the Council ensure the proceeds from the sale of the land be used to improve the condition of the remaining reserve as a whole, the dog exercise status of the remaining reserve is retained and that the requirements for car parking in the Kelso Grove turn around area and the reserve be addressed.
- That the Council consider excluding indicative lots 1, 2, 3, 14 and 15 from the Plan Change and keeping them within the recreation area.
- That the Council consider excluding parts of indicative lots 4, 5, 6 and 8 from the Plan Change and keeping them within the recreation area.
- That the area of significant vegetation identified on map reference 27618V attached to the Ecological Assessment by Dr Paul Blaschke be incorporated within the recreation area.

- That the parts of the indicative lots with ecological values be protected by extending the Significant Natural Resource boundaries to include these areas so that they have appropriate protection.

The submission from Mr James Hogan of 7 Lone Tree Grove was withdrawn on 2<sup>nd</sup> of September 2011.

A hearing of the remaining four submissions received to Plan Change 22 is scheduled to be held 29<sup>th</sup> September 2011.

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

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## **1. INTRODUCTION**

This report discusses and makes recommendations on submissions received in relation to Proposed District Plan Change 22, 6 – 15 Kelso Grove, Kelson, rezoning of part of the site as General Residential Activity Area.

The purpose of the Plan Change is to rezone a portion of the Hutt City Council owned property at 6 – 15 Kelso Grove as General Residential Activity Area. The site is currently part of the area known as Kelson Sportsground and is identified within the District Plan as a General Recreation Activity Area.

The amendments proposed to the District Plan are to planning map E2 in order to show the zone change. This would enable residential development in the rezoned part of the site. The District Plan permits residential activities in the General Residential Activity Area, such as houses with a minimum net site area of 400m<sup>2</sup> providing they comply with development controls such as yard setbacks, site coverage and height restrictions. If the subject part of the site is rezoned to the General Residential Activity Area an application can then be made for resource consent to create sites for residential development.

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

The Plan Change proposes that the remaining area of the Kelson Sportsground be retained as reserve within the General Recreation Activity Area.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 Evaluation and associated Plan Change documents as publicly notified on 24 May 2011.

## **2. BACKGROUND**

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

During the land review process the Kelson Sportsground site was identified as one for possible sale. As the site was classified as reserve under the Reserves Act, consultation was undertaken with local groups and organisations, residents and others that would be affected by the revocation of the reserve status. In accordance with the provisions of the Reserves Act 1977 for considering the disposal of reserve, formal consultation was carried out over the period May - June 2008. This included the following actions:

- Public notification of the intention to remove the recreation reserve status from the site in May 2008, including formal advertisement in the Hutt News and letters to adjoining land owners and tenants. A total of 28 submissions were received which generally opposed the removal of the reserve status of the site.
- A hearing was held in July 2008 to hear submissions. The objections of the submitters were partially accepted by the Strategy and Policy Committee as it was decided to

approve the removal of the reserve status from only part of the site. It was resolved that the remainder of the site would retain its recreation reserve status. Following further investigations, the Council decided that the northern and western portions of the Kelson Sportsground should be sold for development of housing, with sale proceeds to be used for improvements to the area to be retained as reserve.

The reserve revocation process under the Reserves Act has been completed and the Minister of Conservation has consented to the revocation of the reserve status from that part of the site subject to the Plan Change.

In order for the northern and western portions of the site to be used for residential purposes, the land would need to be rezoned so that it lies within the General Residential Activity Area. The Plan Change proposes to rezone this part of the site as General Residential Activity Area.

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

- Recreation effects assessment by an expert on landscape and open space (Assessment by PAOS Ltd in January 2011).
- Geotechnical suitability of the site (Preliminary Geotechnical Suitability Assessment by Tonkin & Taylor Ltd in February 2009).
- Transportation assessment (Transportation Assessment by Traffic Design Group Ltd in February 2011).
- Ecological assessment (Blaschke and Rutherford Environmental Consultants, May 2011).
- Assessment of availability of services to the site (Analysis of services by Cuttriss Consultants Ltd in February 2011).

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

On 26 April 2011 Proposed Plan Change 22 was adopted by the Council for public notification under the Resource Management Act, 1991.

The Plan Change was notified on 24 May 2011, with submissions closing on 24 June 2011. The summary of submissions was notified on 12 July 2011, with further submissions closing on 26 July 2011.

A total of 5 original submissions were received on the Plan Change. No further submissions were received.

The submission from Mr James Hogan of 7 Lone Tree Grove was withdrawn on 2<sup>nd</sup> of September 2011 upon receiving further information about the Plan Change, specifically the location of the boundaries of the proposed General Residential Activity Area in relation to the trees his submission was concerned about. The submission was concerned about visual effects from the removal of vegetation from the site. Mr Hogan advised he would like to withdraw his submission as he is happy that the trees of concern will not be affected by the Plan Change as they are located within the area to remain as General Recreation Activity Area, immediately to the south of the flat grassed area. If the Plan Change is approved, the development of the site is likely to require only partial vegetation removal from the vegetated slopes within the area proposed to be rezoned to General Residential Activity

Area. The trees within the area to be retained as General Recreation Activity Area are not proposed to be removed.

This report makes recommendations on the decisions sought by the remaining submissions.

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

The site subject to the Plan Change is part of the area known as Kelson Sportsground which is a neighbourhood reserve under the Neighbourhood Reserves Management Plan. This part of the Kelson Sportsground was classified as Recreation Reserve under the Reserves Act (until revocation of the reserve status of this part of the site).

The Kelson Sportsground adjoins three parcels of land which are covered in vegetation and which have also been declared and classified as recreation reserve under the Reserves Act. These adjoining reserves are not subject to this Plan Change.

The site is currently within the General Recreation Activity Area of the District Plan. The eastern and southern parts of the Kelson Sportsground are located within Significant Natural Resource 23 which is identified in the District Plan as a regionally representative example of relatively unmodified lowland Mahoe forest with large numbers of bird species. The part of the site subject to the Plan Change is not situated within Significant Natural Resource 23.

The site subject to the Plan Change is located in the northern and western parts of the Kelson Sportsground which is located at 6 – 15 Kelso Grove, Kelson. The total area of the Kelson Sportsground is approximately 4.2 hectares and the portion of the site subject to the Plan Change comprises 1.64 hectares of the total area. The site is situated at the southern end of Kelso Grove and is accessed via a four metre wide driveway which descends steeply down from the end of Kelso Grove. The site can generally be described as approximately half of the flat grassed area of the Kelson Sportsground and the adjoining bush covered slopes on the north and west sides of the site.

The Plan Change proposes that the remainder of the site would stay within the General Recreation Activity Area. This area to remain as General Recreation Activity Area includes the other half of the flat, grassed area and its adjoining vegetated slopes to the south and east, the vegetated strip of land to the north of the driveway and adjoining Kelson Primary School and the area used as a play ground for Kelson Primary School in the north-west corner of the site.

The original reserve was created during the subdivisions which were undertaken to establish the suburb of Kelson in the 1970s and 1980s. The original reserve was part of the reserves contribution for the Kelson subdivision. Under the Western Hills Scheme, operative in 1988, the site was zoned General Recreation. The site has remained within a General Recreation zoning through the successive plans, the Transitional District Plan, Proposed District Plan and the operative District Plan.

#### 4. LIST OF SUBMITTERS

The following submitters have lodged submissions on Proposed Plan Change 22:

Submission Number	Name of Original Submitters	Submission Reference
DPP12-5-22-001	Wayne Wootton	1.1
DPP12-5-22-002	Wendy Saunders and Gerry Dance	2.1 – 2.32
<del>DPP12-5-22-003</del>	<del>James Hogan (withdrawn)</del>	<del>3.1</del>
DPP12-5-22-004	Russell and Evelyn Stewart	4.1
DPP12-5-22-005	Greater Wellington Regional Council	5.1, 5.2

#### 5. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

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

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

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

*“6. Making submissions*

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

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

In the case of Plan Change 22 the purpose of the Plan Change was to address the intention to rezone part of a Council owned parcel of land as General Residential Activity Area.

Accordingly, for a submission to be deemed to be within the scope of Plan Change 22 the submission must relate to any one of the issues addressed in the Plan Change.

A further submission is limited to a matter in support of, or opposition to, an original submission. It cannot raise new issues that haven't been addressed in one of the original submissions. No further submissions have been received on Plan Change 22.



Submission:

**DPP12-5-22-001 – Wayne Wootton – 1.1**

**Request of Submitter**

That the whole reserve be retained within the General Recreation Activity Area.

**Specific Comments**

The submitter explains that the site is a poor location for a residential development given soil conditions and as it is not drained and was formerly a dumping site for spoil. In addition, parts of the site are damp and shaded resulting in poor sites for housing. The submitter is also concerned that the development of housing on the site would result in privacy and security issues for adjoining properties.

**Discussion**

Soil conditions

The submitter is concerned that the location of the site is not suitable for residential development. Soil condition and site stability have been considered in the section 32 Evaluation in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment was undertaken for the site by Tonkin and Taylor Limited which was in Appendix 4 to the Plan Change. Further to receipt of submissions Tonkin and Taylor Limited confirmed that the geotechnical investigation included a level of test pitting, geological mapping and analysis suitable for this stage of the process. The geotechnical assessment concludes that the site has suitable subsoil conditions for residential development, subject to appropriate remedial solutions. If the Plan Change is approved, a subdivision of the site would require resource consent, at which time the Council would require a detailed geotechnical investigation which would include specific recommendations for remedial solutions.

Shading

The submitter is concerned that parts of the site are damp and shaded resulting in inadequate sites for housing. It is important that houses receive enough sun shine; it reduces the need for energy consumption and lighting, reduces dampness and generally makes buildings healthier and more pleasant to live in. Site location is very important as it determines the resources available, including the amount of sunlight, and therefore the type of design restrictions.

Parts of the site are sloping and the Plan Change would enable the development of housing on these slopes. The site is similar to many that have been developed for housing in Kelson, both in terms of orientation and topography. The amount of shading received by the sloping sections would not be unreasonable and they would receive sufficient sunlight. If the Plan Change is approved and the site subdivided in a manner similar to that shown on the indicative subdivision plan attached to the Plan Change, it is likely that future housing constructed on the allotments will be positioned at the best advantage for receipt of sunshine.

As the site will receive a reasonable level of sunshine, similar to other areas of Kelson, there is capacity for future dwellings to incorporate passive solar design strategies to make the most of the available solar access. A buildings form, orientation and set out all need to be designed to make the most of available resources, such as sunlight. The design of the buildings on the site would be determined at a later stage if the Plan Change is approved.

Buildings can also cause shading of adjoining sites if they are too high or bulky. The General Residential Activity Area contains development controls, such as the recession plane rule, which control building bulk and height in order to reduce shading effects. As such, the provisions of the District Plan will contribute to ensuring that levels of shading are acceptable for future dwellings on the site.

Overall it is considered that the shading experienced in parts of the site does not result in the site being unsuitable for residential development.

### Dampness

The submission raises a concern that because part of the site is shaded and boggy, the future houses will be damp and therefore unpleasant and unhealthy to live in. Parts of the site do experience wet ground and some bogginess for parts of the year. However the geotechnical investigation has advised that the site will be suitable for development subject to appropriate remedial solutions, such as removing the unsuitable fill, backfilling with hard fill and using driven piles. These measures would be carried out at subdivision stage to properly prepare the sites prior to building. Sites which are properly prepared so that surface and sub-soil water movement is removed would generally not put dwellings at risk of harbouring dampness.

There are a variety of causes for a building to suffer from dampness but it is beyond the scope of the Plan Change to address matters relating to the future construction and maintenance of dwellings on the site. However, the building codes ensure that buildings are built to standards which avoid dampness in homes. The Department of Building and Housing advises that all new building work in New Zealand must comply with the Building Code, which is the first schedule to the Building Regulations 1992. It is a performance-based code, which means it states how a building and its components must perform as opposed to describing how the building must be designed and constructed (from [www.dbh.govt.nz](http://www.dbh.govt.nz)). The Building Code sets out performance standards that building work must meet, and covers aspects such as structural stability, moisture control and durability. Building plans and specifications are assessed by building consent authorities to ensure they comply with the Building Code before a building consent is issued.

Overall, the location of the site is considered to be appropriate because remedial solutions undertaken at the future subdivision stage will ensure soil conditions are suitable for building and the Building Act will ensure housing is built to acceptable standards to avoid issues with dampness.

### Privacy and security issues

The submitter is also concerned that the development of housing on the site would result in privacy and security issues for adjoining properties. It is considered that the Plan Change will not adversely affect the privacy of adjoining properties as the site is large and well separated from surrounding dwellings. The topography of the site provides additional separation as the site is well below the houses to the north and east. The vegetation surrounding the site on the adjoining reserves and private properties also provides visual separation, particularly for the properties below the site to the south.

With regards to security issues, the submitter mentions the use of a security fence to ensure that the boundaries of the reserve and private property are clearly set out for future residents of a subdivision of the site. It is not appropriate to assume that a future residential development of the site will result in new occupants trespassing onto adjoining, private land. The grassed area of the remaining reserve will clearly be the area for public to use for recreation such as dog exercise, walking and ball games and is well defined by the edges of the surrounding bush. Generally, people would not venture into the bush unless there is a formal path or walking track. However, if trespassing occurs, property owners should contact the New Zealand Police as it is not a matter under the jurisdiction of the Council. It is noted that it is a permitted activity for a land owner to construct a security fence along the boundaries of their own property if they choose to do so, providing it is not over 2 metres in height.

### **Recommendation**

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

### **Reason**

It is considered that the site is a suitable location for residential development. Issues relating to soil conditions can be adequately addressed at the subdivision stage. The site is not subject to unreasonable shading and the Plan Change will not result in adverse effects relating to privacy and safety of adjoining properties. In addition, the building codes will ensure that future dwellings on the site are built to appropriate standards to avoid issues with building dampness.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.1**

### **Request of Submitter**

That the Council do not assume that the reserve is not required by the community for recreation activities and that this statement does not prejudice any decision on the fate of the reserve.

### **Specific Comments**

The submitter questions the conclusion that the land is no longer required for reserve. The area is used by the community and a number of submissions opposed removing the recreation reserve status from the site.

## Discussion

In order to respond to this submission it is appropriate to provide some additional background information on the land review process for the Kelson Sportsground, which preceded the Plan Change. The decision that the reserve was surplus to requirements was made in the land review process undertaken prior to the Plan Change. In relation to management and disposal of the site, the Council is bound by the requirement and procedures set out in the Reserves Act. Sections 24 and 25 of the Reserves Act set out the process for the revocation and sale of reserve land. The Council is required to follow certain procedures, which have been carried out through the land review and reserve revocation processes for the Kelson Sportsground, including the evaluation of the property, public consultation and notification process and hearing of submissions.

The values of the reserve were considered in the land review process for the Kelson Sportsground. The Council commissioned an assessment of reserve values by PAOS Ltd in October 2007. The review assessed open space values of the site to identify the significance of its landscape and recreation values, and its contribution to the reserve network of Lower Hutt using the methodology and criteria from the Council's open space policy document Reserves Acquisition/Disposal Policy and Guidelines and taking into account the Reserves Strategic Directions. The assessment concluded:

- Overall significance: low-medium
- Landscape visual: low-medium
- Natural site features: low-medium
- Ecological values: low-medium
- Open space: low
- Recreation: low

The methodology and criteria for assessment of reserves values is described in the Reserves Acquisition/Disposal Policy and Guidelines.

The Council also commissioned PAOS Ltd to undertake an assessment of the recreational effects of using the site for residential development as part of the preparation for the Plan Change (PAOS Ltd report dated January 2011, Appendix 8 to the Plan Change). The report concluded that the recreational use of the site is limited due to poor ground condition and is further limited as the area is considered unsafe by some users due to poor natural surveillance. The report also concluded that the sale and development of part of the site would provide an opportunity to improve the area identified to be retained as reserve, by improving the drainage and ground surface and that there is potential for increased safety as there would be more people in the area.

Overall, no changes are recommended to the Plan Change as a result of this submission.

## Recommendation

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.1) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

## Reason

The Council used the procedures under the Reserves Act to assess the values of the site and has now removed the reserve status from that part of the site subject to the Plan Change. This is not a matter that should be reconsidered within the Plan Change process. Overall, it is considered appropriate to rezone the site to the General Residential Activity Area for the reasons discussed in the Section 32 Evaluation.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.2**

## Request of Submitter

Clear the vegetation at the top of Kelso Grove to improve the visibility and increase natural surveillance of the reserve.

## Specific Comments

The reserve is generally not visible when viewed from the wider environment. The Section 32 Evaluation states that the reserve has low to moderate recreational values due to its relative isolation and poor visibility. In a previous submission in 2008, the submitter recommended that the vegetation be cleared from the top of Kelso Grove to improve visibility of the site and advises that this request was not actioned.

## Discussion

Visibility issues relating to the site are discussed within the Section 32 Evaluation, which provides a summary of the assessment of recreation values carried out by PAOS Ltd (included as Appendix 8 to the Plan Change). The poor visibility of the site and poor natural surveillance were among a range of factors taken into account in the assessment of the reserves values at the land review stage. An improvement in visibility of the site alone is unlikely to have resulted in a different conclusion on the value of the reserve. It is important to note that the decision to revoke the reserve status of that part of the site subject to the Plan Change has already been made using the procedures required by the Reserves Act.

Further to receipt of submissions, advice was obtained from the Parks and Gardens Division of the Council, who are responsible for the management of the reserve, that they have considered the option of improving the visibility of the site by clearing vegetation from the top of Kelso Grove; however it was not appropriate to do this.

In addition, it is important to note that the Ecological Assessment for the Plan Change undertaken by Dr Paul Blaschke advises that some of the vegetation at the top of the site adjoining Kelso Grove is the most significant and should be protected. However, if the Plan Change is approved, the development of the site will result in the removal of some of the vegetation at the top of the site for the extension of the road and construction of houses.

## Recommendation

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.2) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

## Reason

Visibility of the site and natural surveillance were among a range of factors taken into account to determine the value of the reserve during the land review process. The clearance of vegetation to improve visibility of the reserve is not relevant at this stage because the decision to revoke the reserve status of the subject part of the site has already been made.

The area to be retained as reserve will have improved natural surveillance through the development of houses on the area proposed to be rezoned as General Residential Activity Area.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.3**

## Request of Submitter

That the whole reserve be retained within the General Recreation Activity Area.

## Specific Comments

The submitter is opposed to the reserve being rezoned for residential development as it was part of the reserves contribution for the original Kelson subdivision.

## Discussion

The fact that the land was part of a reserves contribution for the subdivision of Kelson was taken into account within the land review process and the Council decided to proceed with the disposal of part of the site. Additional background information is provided below in order to explain that this matter has been properly considered by the Council in the land review process.

As part of the land review process the Council investigated the history of the creation of the site. The site is part of reserve lands which formed the reserves contribution for the original Kelson subdivision. The suburb of Kelson was part of a 22 stage residential development of the western hills proposed by Fletcher Development Company Ltd. The Kelson Sportsground, along with the adjoining reserves, was vested by the Council as reserves for the developer's total reserves contribution required for the Kelson subdivision. The Kelson Sportsground was classified as a recreation reserve under the Reserves Act 1977 and has been owned by the Council since that time.

Given the circumstances of the creation of the site, the Council sought legal advice in 2008 regarding selling land that was vested in Council as reserve contribution. As such the Council was properly informed concerning the risks associated with the disposal of land that was acquired through a statutory process and in this case, decided to proceed with the disposal of the subject part of the site.

## Recommendation

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.3) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

## Reason

The decision to revoke the reserve status of that part of the site subject to the Plan Change has been made using the procedures required by the Reserves Act. The fact that the site was part of the reserves contribution for the original Kelson subdivision was taken into account within the land review and reserve revocation processes and the Council decided to proceed with the disposal of part of the site.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.4**

**Request of Submitter**

That the whole reserve be retained within the General Recreation Activity Area.

**Specific Comments**

The majority of previous submitters to the land review and reserve revocation processes were opposed to the removal of the recreation reserve status from the site and were concerned with the potential loss of recreational activities, which this Plan Change will instigate.

**Discussion**

The justification and background to the Plan Change is provided within the Section 32 Evaluation, which explains the land review process, the procedures undertaken to revoke the reserve status of the subject part of the site and the assessment of the value of the reserve. The assessment of reserve values undertaken as part of the land review process concluded that recreation value of the Kelson Sportsground was low.

The revocation of the reserve status of the Kelson Sportsground was publicly notified and the submissions were partly accepted by the Council as it was decided to proceed with the removal of the recreation reserve status from only part of the site (being the northern and western portions of the site subject to this Plan Change).

Overall, the Plan Change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.4) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The Plan change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.5**

**Request of Submitter**

That the Council ensure that \$200,000 is enough funding to provide adequate drainage for the reserve.

**Specific Comments**

An amount of \$200,000 has been earmarked for drainage and other improvements from the sale of the land. The balance of the sale proceeds may be used for projects outside the Kelson area. The submitter asks whether \$200,000 is enough to adequately address the drainage issues.

**Discussion**

The amount of money used for improvements to the remaining reserve is outside the scope of the Plan Change and is not a matter that can be addressed by the decisions on the Plan Change under the Resource Management Act, 1991.

The Council's Reserve Land Acquisition/Disposal Policy and Guidelines advises that revenue arising from the sale of reserve lands will be held in the Reserve Purchase & Development Fund and expended on either the purchase of high value lands or to carry out improvements to reserves.

In 2008, as part of the land review and reserve revocation processes separate from the Plan Change, the Council resolved that proceeds from the sale of the land be used to fund improvements to the area to remain as reserve, such as drainage (Council meeting on 12 August 2008, Minute No. C 080325 (3)). The exact amount of the proceeds from any sale of the land to be used for improvements to the remaining reserve is determined by the Parks and Gardens Division of the Council. This amount is then approved by the Council and provided for in the Annual Plan. An increase in the amount required would need Council approval.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.5) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The funding for the improvements to the remaining reserve is a matter which is outside the scope of the Plan Change and is not a matter that can be addressed under the Resource Management Act, 1991.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.6**

**Request of Submitter**

That the whole reserve be retained within the General Recreation Activity Area.

**Specific Comments**



The rezoning will have a more than minor effect on the amenity values and character of the site and surrounding area as the appearance of the site will change, along with the existing landform and vegetation, due to earthworks and vegetation removal.

**Discussion**

The Section 32 Evaluation for the Plan Change included an assessment of effects on the environment of rezoning the site to the General Residential Activity Area. The assessment of effects on the environment contributes to the overall evaluation of whether rezoning the site to the General Residential Activity Area is appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

The Section 32 Evaluation includes an assessment on amenity values, character and landscape effects, ecological effects and effects relating to earthworks. Some of the potential adverse effects on the environment of the Plan Change and resulting development will be more than minor; however it is considered that the adverse effects can be adequately managed by the provisions of the General Residential Activity Area and the standards and matters for control in Chapter 14, Subdivision, of the District Plan so that the effects are acceptable. If the Plan Change is approved, adverse effects can be appropriately mitigated at the time of residential development of the site. As such, it is considered that it is appropriate to rezone the subject part of the site to the General Residential Activity Area.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.6) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The General Residential Activity Area is considered to be appropriate for that part of the site subject to the Plan Change. The adverse effects on the environment of the Plan Change and resulting residential development can be mitigated to an acceptable level by the provisions of the District Plan at the subdivision stage.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.7</b>
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**Request of Submitter**

That the whole reserve be retained within the General Recreation Activity Area.

**Specific Comments**

The submitter asks what the assumption is based on that the houses built on the site would be similar in scale to existing housing in Kelson and asks whether the quality of the housing can be guaranteed. The submitter is also concerned about the amount of shading the houses built on the site will have.

**Discussion**

The submitter is referring to a statement made in section 5, Environmental Effects, of the Section 32 Evaluation. The discussion of amenity, character and landscape effects within the

Section 32 Evaluation includes a number of matters that, combined, would contribute to maintaining the character and amenity values of the area. The Section 32 Evaluation states that *“the permitted activity conditions for the General Residential Activity Area would ensure that houses built on the site would be similar in scale (size and height) to existing houses in Kelson”*. The Section 32 Evaluation then goes on to note that permitted activity conditions for buildings in the General Residential Activity Area include a maximum height of 8 metres, minimum yard setbacks and maximum site coverage.

Although the statement on housing scale is simplistic and a generalisation, it is considered to be realistic and reasonable, based on the knowledge that new houses built in Lower Hutt on sites of approximately 400m<sup>2</sup> are generally similar in size for reasons such as constraints of the size of the site and the permitted activity conditions in the District Plan, which restrict height and bulk of buildings. It is likely that new houses built on the site would be similar in scale to existing housing in the surrounding area as the new lots would be similar in size to existing properties; the houses are likely to be one or two stories in height and cover up to, or close to, 35% of the net site area. It is also important to note that variation in design and scale can be very positive for the character of an area and can be a natural consequence of a number of factors such as topography, existing landscape features and developer or owner preference.

The submitter is also concerned about the amount of shading the houses built on the site will have. The issue of shading is discussed at submission 1.1 (page 9 of this report). Overall it is considered that it is appropriate to rezone the subject portion of the site to the General Residential Activity Area.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.7) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The General Residential Activity Area is considered to be appropriate for that part of the site subject to the Plan Change.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.8</b>
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**Request of Submitter**

That further investigations of pedestrian access are undertaken and incorporated into the access design.

**Specific Comments**

Pedestrian access to the reserve is not addressed and needs to be considered if the reserve is to continue to be used by the community.

**Discussion**

The District Plan requires that all roads provide for the safe movement of pedestrians and states that paved footpaths shall be provided on both sides of roads and shall be designed and located taking into account pedestrian amenity and likely use patterns (Rule 14A (i) 2.1 (h)).

A traffic effects assessment was undertaken for the Plan Change by Traffic Design Group Ltd (appendix 5 to the Plan Change). This assessment concluded that the site would be able to accommodate appropriate road layout, access and street designs so that there would be no internal traffic safety and efficiency effects resulting from the Plan Change. While design standards will be assessed at the subdivision stage if the Plan Change is approved, Traffic Design Group Ltd provided an indication of appropriate street design standards to assist the evaluation of the Plan Change.

The submitter is concerned about pedestrian access to the area proposed to remain as reserve. Further to receiving submissions on the Plan Change, additional investigation into traffic issues raised in submissions was carried out by Traffic Design Group Ltd (appendix 2). The indicative plans for the proposed subdivision include public access to the reserve via an extension to Kelso Grove and then either via proposed roads A, B or C. At present there is a single 1.5m wide footpath along Kelso Grove. Traffic Design Group Ltd advises that it is likely that a 1.5m wide footpath would be provided into the subdivision and included along Road A. As such, they advise that an option for full footpath access to the reserve is anticipated.

Traffic Design Group Ltd advises that it should be noted that while the topography and national direction via NZS4404, suggest a lesser roading provision is appropriate, any future subdivision will require resource consent and the provision of less than the District Plan requirement of footpaths and berms on each side will require discretionary consideration by the Council.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.8) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

If the Plan Change is approved, a future subdivision of the site will require Kelso Grove to be extended and the District Plan requires that all roads must provide for safe movement of pedestrians. Specific access design would be undertaken at the subdivision stage if the Plan Change is approved. Pedestrian access to the reserve has been investigated by Traffic Design Group Ltd and they advise that pedestrian access will be able to be provided to the reserve and within a future residential development of the site.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.9</b>
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**Request of Submitter**

That the vegetation on the site is not cleared.

**Specific Comments**

The forest on the site is considered significant, provides an ecological corridor for a variety of species and should be retained.

**Discussion**

The Section 32 Evaluation included an ecological assessment by Dr Paul Blaschke (appendix 6 to the Plan Change). Overall, it concluded that the potential adverse ecological effects from future residential development of the site enabled by the Plan Change can be adequately addressed by provisions for the General Residential Activity Area and the subdivision chapter of the District Plan. These provisions will ensure that future resource consent applications to develop the site address adverse ecological effects of vegetation removal.

The residential development enabled by the Plan Change will not require all of the vegetation on the site to be cleared. If the Plan Change is approved, some of the vegetation on the site would need to be removed for the development of housing. It is likely that in order to address adverse ecological effects of future residential development of the site, much of the existing vegetation on the site would be retained and protected in perpetuity through consent notices.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.9) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

It is considered that some vegetation removal from the site will be acceptable and can be adequately controlled by the provisions of the General Residential Activity Area and the provisions for subdivisions in the District Plan. With the exception of the significant vegetation in the area of the site shown as indicative lot 15 in Appendix 2 to the Plan Change, it is considered that the adverse effects on the environment of vegetation removal on the rest of the site can be appropriately addressed at the subdivision stage through the provisions of the District Plan. It is recommended that the area shown as indicative lot 15 be removed from the Plan Change given the significance of vegetation in this part of the site (this is discussed in detail in response to submissions 5.1 and 5.2 on page 42 of this report).

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.10</b>
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**Request of Submitter**

That the lack of weed control on the site by the Council does not prejudice any decision on the quality of the reserve had weed control been thoroughly undertaken.

**Specific Comments**

Council has an extensive weed control programme in place which is targeted at various weed species. This is prioritised as the cost of eradicating all weeds on Council land would be prohibitive.

**Discussion**

A decision on the values and quality of the reserve was undertaken in the land review and reserve revocation processes prior to this Plan Change and the reserve status of part of the site has been revoked. The criteria for assessing the reserves values are within the Council’s Reserve Land Acquisition/Disposal Policy and Guidelines. Flora and fauna, health, sustainability and infestation are the four elements of the ecological criteria of the guidelines. Infestation is described in the criteria as the degree to which the site is affected by invasive weed species. The assessment of reserves values undertaken by PAOS Ltd in October 2007 concluded that the level of significance was medium (meaning some infestation of weeds with minimal threat to ecological health but able to be controlled at moderate cost) and commented ‘*some weeds including gorse, blackberry, eucalyptus, tradescantia but potential to be overtopped by emerging mahoe forest on the edges of the sportsfield and hillside*’. The overall assessment for the ecological component of the criteria was low-medium. Weed infestation was only one of the matters taken into account when considering the ecological values and overall values of the reserve. The assessment concluded there was some weed infestation with potential to be controlled, but overall the ecological significance of the site was only rated low-medium.

In terms of the history of weed control for the reserve, following the receipt of submissions the Parks and Gardens Division confirmed that although Kelson Sportsground does not have a high priority, the Council has undertaken weed control in the past in the areas of the site prone to weeds, such as surrounding the driveway.

The ecological assessment carried out for the Plan Change concluded that the level of significance of the vegetation on the site is compromised by weed infestation, but overall concluded vegetation on the site is significant and recommended the protection of some areas and a weed control programme for the site (appendix 6 to the Plan Change).

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.10) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The assessment of reserves values and the revocation of the reserve status of the site are decisions which have already been made by the Council and are not matters which should be re-considered by this Plan Change. An ecological assessment has been carried out for the Plan Change which concludes that vegetation on the site is significant despite being compromised by weed infestation.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.11</b>
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**Request of Submitter**

That a review of the sewerage options and their implications on the Vista Grove temporary pipeline be assessed.

**Specific Comments**

The submitter is concerned about the effects of additional sewerage on the temporary pipeline along the Vista Grove landslide and asks whether the additional service requirements on this pipeline have been considered.

**Discussion**

As rezoning the site to the General Residential Activity Area, as proposed by the Plan Change, would result in residential development the Section 32 Evaluation included an assessment of infrastructural effects by Cuttriss Consultants Limited (appendix 7 to the Plan Change). The assessment of services available to the site identified two options for the provision of sewer connections to the site, gravity connection or a pumping station. No issues were identified with the availability and capacity of services to the site.

Following the receipt of submissions, advice was obtained from Capacity Infrastructure Services Limited (a company owned by Wellington and Hutt City Councils responsible for the delivery of water, stormwater and wastewater services in the greater Wellington region) on the effects of additional sewerage on the temporary Vista Grove pipeline. Capacity Infrastructure Services Limited advised that the existing pipeline across the Vista Grove landslip (200mm diameter) is capable of meeting the demand from a new development at the subject site.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.11) be **accepted in part** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The effects of additional service requirements on the temporary pipeline along the Vista Grove landslide have been considered. No issues have been identified with the availability and capacity of sewer or any other services to the site.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.12</b>
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**Request of Submitter**

Further investigate the geology of the slopes and mitigation options.

**Specific Comments**

The site geology and soil profile should be further investigated as this will have implications for earthworks and associated mitigation measures. Large retaining walls would need to be properly engineered and even then there is a risk of failure, which needs to be considered in any assessment of options.

**Discussion**

The Section 32 Evaluation explains that the geology of the site and soil profile has been investigated during the preparation of the Plan Change. A preliminary geotechnical assessment has been undertaken for the site by Tonkin and Taylor Limited (Appendix 4 to

the Plan Change). The geotechnical assessment concludes that the site has suitable subsoil conditions for residential development, subject to appropriate remedial solutions.

Further to receipt of submissions, advice was sought from Tonkin and Taylor Limited to check that the geotechnical investigation carried out for the Plan Change was appropriate. Tonkin and Taylor Limited have confirmed that the geotechnical investigation for the site was suitable for this stage of the process and that more detailed investigation would be required at the subdivision stage if the Plan Change is approved.

A subdivision of the site would require resource consent, at which time the Council would require a detailed geotechnical investigation which would include specific recommendations for remedial solutions. A matter over which control is reserved for controlled activity subdivisions is avoidance or mitigation of natural hazards (Rule 11.2.2.2). However, a subdivision of the site is likely to be a restricted discretionary activity and a matter in which Council has restricted its discretion is natural hazards. Rule 11.2.3.1 (e) states: *“Consideration should be given to those areas prone to erosion, landslip and flooding. Earthworks should not increase the vulnerability of people or their property to such natural hazards. Etc”*. Therefore, the Council can require the necessary detailed geotechnical investigation at the subdivision consent stage.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.12) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

Adequate investigation of the geology of the slopes and mitigation options has been undertaken for the purposes of the Plan Change. If the Plan Change is approved, the provisions of the District Plan are sufficient to ensure that more detailed geotechnical investigations are undertaken at the subdivision stage.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.13</b>
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**Request of Submitter**

The submitter asks whether the earthworks required for residential development of the site would be publicly notified.

**Discussion**

The Section 32 Evaluation explains that if the site is rezoned to the General Residential Activity Area, it is likely that future residential development will require a significant amount of earthworks and that it is likely that the earthworks would be included within a resource consent application to subdivide the site and would be assessed as a restricted discretionary activity. The matters over which the Council has restricted its discretion include adverse effects relating to earthworks (Rule 11.2.3.1).

A decision on whether future works on a site will be publicly notified cannot be made until a resource consent application is received and processed, which includes making a notification decision. The notification provisions are set out in the Resource Management Act, 1991, and require the Council to consider a number of matters when making a notification decision. Restricted discretionary activities would be publicly notified if there are adverse effects on the environment which are more than minor or notified on a limited basis if the adverse effects on a person are minor or more than minor.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.13) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The request of the submitter relates to notification decisions under the Resource Management Act, 1991, which are separate to the Plan Change process and are made during the processing of an application for resource consent.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.14**

### **Request of Submitter**

That the Council recognise the importance of the reserve as being the only dog exercise area in Kelson and that the alternative requires car transport.

That the Council retain the reserve as existing, to provide adequate provision of open space in Kelson.

That the Kelson school field is not supported as an alternative dog exercise area.

### **Specific Comments**

The reserve provides the only dog exercise area in Kelson. While the Belmont Recreational Reserve is available for dog exercising, it requires a vehicle to access. Reducing the size of the reserve as proposed does not provide for adequate open space for dog exercise areas. The Kelson school field is not an appropriate dog exercise area.

### **Discussion**

The Hutt City Council has a dog control bylaw which was adopted on 24 May 2005. The dog control bylaw states that a person may exercise dogs off the lead in any designated dog exercise area as outlined in Schedule Three to this part of the bylaw. The Kelson Sportsground is listed as a dog exercise area in Schedule Three to this bylaw. The proposed area to be retained as reserve would remain designated as a dog exercise area and no change to the bylaw would be required.

The Section 32 Evaluation included an assessment of the Plan Change on recreational values of the area by PAOS Ltd. This assessment recognises the importance of the site as the only designated dog exercise area in Kelson (appendix 8 to the Plan Change) and states “*The site*



*is valued as a designated dog exercise area and it is the only designated dog exercise area in central Kelson".* The PAOS Ltd assessment goes on to state *"there is significant value in retaining part of the flat area as a 'village green' for informal recreation and dog exercise"* and concluded that retaining the remainder of the area for reserve would meet the needs of Kelson residents to have an area for informal recreation, including dog walking, particularly if the ground surface is improved. The improvements to the ground surface would be enabled by proceeds from the sale of part of the site, if the Plan Change is approved.

Based on the advice from PAOS Ltd the proposed remaining reserve is considered to be an adequate size to meet the recreational needs of the community, including an area for dog exercising. In conclusion, the Plan Change has recognised the importance of the Kelson Sportsground as a dog exercise area by retaining part of the site within the General Recreation Activity Area.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.14) be **accepted in part** to the extent that the importance of the Kelson Sportsground as a dog exercise area has been recognised in the Plan Change and that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The Plan Change has recognised the importance of the Kelson Sportsground for dog exercising by proposing that approximately half of the area be retained as reserve, which will remain as a designated dog exercise area under Council's dog control bylaw.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.15**

### **Request of Submitter**

That the Council does not assume that safety of the reserve will improve with increased surveillance.

### **Specific Comments**

An assumed benefit from the Plan Change is increased natural surveillance which would arise from future dwellings overlooking the remaining reserve. However, there is no guarantee that housing will improve general safety of users of the reserve, and may even raise concerns regarding safety.

### **Discussion**

The Section 32 Evaluation assesses the effects of the Plan Change on recreational values. One of the factors considered in the assessment was potential improvements to the safety of the remaining reserve. It is important to note that this was only one matter taken into consideration when determining the overall effects of the Plan Change on recreational values. Other factors included the availability of other recreation areas in the local environment, the drainage of the site and the size and location of the site.

One potential positive effect of the Plan Change would be an increase in natural surveillance from the development of housing overlooking the remaining reserve. PAOS Ltd provided an assessment of effects on recreation (appendix 8 to the Plan Change). PAOS Ltd advises that *“the development of housing on part of the area provides an opportunity to develop the ‘village green’ as a safe neighbourhood space by creating natural surveillance. This is achieved when houses overlook an open space...Low or transparent fencing and planting would allow views out from housing onto the recreational space while providing some separation between public and private areas”*.

The submitter is correct that there is no guarantee that the Plan Change and resulting development of housing on the site will improve the safety of users of the remaining reserve. However, there is a reasonably high probability that natural surveillance in the area would increase as a result of the Plan Change. One of the well established approaches to crime prevention used by local authorities in New Zealand, including the Hutt City Council, is Crime Prevention through Environmental Design (CPTED). The Ministry of Justice established national guidelines for CPTED in New Zealand in 2005. CPTED provides a framework for incorporating crime prevention within quality urban design by focusing on reducing the opportunity to commit crime, therefore lessening the motivation to offend. The national guidelines define seven qualities that characterise well designed, safer places including surveillance and sightlines. The national guidelines state that this is underpinned by the theory that places are safer if they are overlooked and explains that places that could be vulnerable to crime should be overlooked by buildings, windows should be directed to overlook open spaces and face onto the street and open spaces .

The Hutt City Council has a Safe Public Places Action Plan 2007 – 2012 produced in association with the Crime Prevention Unit, Ministry of Justice. The Action Plan describes the activities planned to support safer public places in Lower Hutt. The Action Plan states that Hutt City Council supports positive CPTED input to new development as well as positive CPTED changes to existing public places.

The Plan Change does not propose a design guide or the addition of any rules requiring dwellings to address the provision of natural surveillance and this is not considered to be necessary. Although the design of future dwellings on the site is unknown, it is likely that future houses built on the site will have windows overlooking the adjoining reserve for a number of other reasons such as sunlight, views and amenity values. In addition, CPTED and the Safe Public Places Action Plan provide guidance to the Council when undertaking future improvements to the remaining reserve area.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.15) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

It is considered that the Plan Change will maintain the recreational values of the area through the retention of part of the site for reserve. One potential positive effect of the Plan

Change is improved safety due to increased natural surveillance from future dwellings overlooking the remaining reserve.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.16**

### **Request of Submitter**

That the Council implements the PAOS report recommendation of a development plan for the reserve.

### **Specific Comments**

It would be beneficial to have a development plan for the reserve, as recommended in the PAOS report (Appendix 8 of the Plan Change).

### **Discussion**

The creation of a development plan for the remaining reserve area is a matter for the Parks and Gardens Division of the Council. The area to be retained as reserve would also be covered by the existing Neighbourhood Reserves Management Plan, which is reviewed every five years. Under the Reserves Act, 1977, the Council is required to prepare management plans for reserves. The purpose of reserve management plans is to provide for and ensure the use, enjoyment, maintenance, protection and appropriate development of reserves. The Council's approach is to develop management plans that cover all reserves of similar characteristics and manage them under categories such as sportsgrounds, neighbourhood or bush reserves. The Neighbourhood Reserves Management Plan sets out issues, objectives and policies so that decisions on any proposed activity are made in accordance with those provisions. Examples of these policies include: *'to ensure that reserves are adequately maintained and provide a safe environment for people to enjoy'* and *'to ensure an adequate amount of open space is available for activities to occur'* (7.1.5 and 7.2.1 of the Neighbourhood Reserves Management Plan).

It is understood that the Parks and Gardens Division intends to create a development plan for the improvements to be undertaken to the area to be retained as reserve and this may involve informal consultation with the community. However, the creation of a development plan for the remaining reserve is a process which is outside the scope of the District Plan.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.16) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

A development plan for the remaining reserve is a matter which is separate to the District Plan and outside the scope of this Plan Change.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.17**

### **Request of Submitter**

That the Council not accept that the Plan Change is generally acceptable to the Kelson community.

### **Specific Comments**

The submitter questions whether it is generally accepted that the Plan Change does not affect the recreational opportunities available to the Kelson community. The submitter notes that 28 submitters opposed the removal of the recreation reserve status from the site. The proposal will affect the recreational opportunities of the community by reducing the area available for recreation activities.

### **Discussion**

The land review process for the Kelson Sportsground resulted in Council's decision to revoke the reserve status of only part of the site, which responded to submitters concerns by recognising the need to retain part of the reserve to meet the recreational needs of the community.

Section 5.1 of the Section 32 Evaluation discusses the consistency of the Plan Change with section 5 of the Resource Management Act, 1991 and made an incorrect statement that "*it is generally accepted that the Plan Change does not affect the recreational opportunities available to the Kelson community*". Instead it should be concluded that the Plan Change will maintain the recreational opportunities of the community, which is consistent with the assessment of recreation effects in the Section 32 Evaluation. The effects on the recreational values of the area were thoroughly considered in the Section 32 Evaluation for the Plan Change and expert advice was obtained on recreational values by PAOS Ltd (appendix 8 to the Plan Change). It is clear that the proposal will have effects on recreation in the area as the reserve will be reduced in size. However, given that part of the reserve will be retained and will be upgraded if the Plan Change is approved, it is considered that the recreational values of the area will be maintained.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

It is considered that the recreational values of the area will be maintained to an appropriate level as a result of the Plan Change, given that part of the reserve will be retained and will be upgraded if the Plan Change is approved.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.18**

**Request of Submitter**

That the Council, as a signatory to the Urban Design Protocol, does not allow the Plan Change to proceed, unless measures can be put in place to ensure that good urban design will prevail above costs.

**Specific Comments**

Policy 8 of the Regional Policy Statement encourages good urban design and enhancing and protecting amenity values. The indicative subdivision plan will not encourage good urban design as many of the lots will have very limited sunlight. The amenity values of the reserve will be compromised by the development due to removal of vegetation and earthworks.

**Discussion**

The submitter requests that provisions be introduced to the Plan Change to ensure good urban design in the future residential development of the site.

The introduction of provisions or guidelines on urban design for future housing on the site is not considered to be necessary. The provisions of the General Residential Activity Area would apply to the site if the Plan Change is approved and are considered to be sufficient to ensure that the amenity values and character of the surrounding area are maintained. If the Plan Change is approved, resource consent would be required to subdivide the site which will enable the design of the subdivision and the effects on the environment, such as vegetation removal and earthworks, to be assessed. The site is similar to other areas in Kelson in terms of topography and a future subdivision of the site should also consider location and design of allotments in order to maximise the receipt of sunlight to create attractive sites.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

It is considered that the provisions for the General Residential Activity Area will be sufficient to ensure that the amenity values and character of the surrounding area are maintained. If the Plan Change is approved, a future residential subdivision of the site will require resource consent which will allow matters such as the design of the subdivision and the effects on the environment to be assessed.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.19**

**Request of Submitter**

That the Council does not accept the precedent of existing development of steep slopes.

**Specific Comments**

While there are examples of development on properties with a similar slope to the site, this does not make it acceptable. Risk of landslides is very real.

## Discussion

The Plan Change will enable residential development of the subject part of the site, including the steep vegetated slopes, which is likely to involve earthworks. The effects on the environment of earthworks vary depending on variables such as soil type, land stability and topography. Earthworks can create or worsen hazard potential so they must be managed carefully.

It is important that the potential geotechnical constraints of sites are investigated. The geotechnical considerations for the subject site include the uncontrolled fill in the flat central area and the steep vegetated slopes. Site stability issues have been considered in the section 32 Evaluation in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment has been undertaken for the site by Tonkin and Taylor Limited (Appendix 4 to the Plan Change). The geotechnical assessment concludes that the subject part of the site has suitable subsoil conditions for residential development, subject to appropriate remedial solutions.

If the Plan Change is approved a subdivision of the site would require resource consent which would involve assessing whether natural hazards have been avoided or mitigated. At this stage the Council would require a detailed geotechnical investigation to be carried out to determine the suitability of the site and would recommend specific remedial solutions. The Council can also impose conditions of resource consent to control and manage effects on the environment.

## Recommendation

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.19) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

## Reason

A geotechnical assessment was undertaken for the site during the preparation of the Plan Change which concluded that the site is suitable for residential development, subject to appropriate remedial solutions, which will be further investigated at the subdivision stage if the Plan Change is approved.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.20**

## Request of Submitter

That the Council investigate safeguards for the dog exercise area status of the remaining reserve to ensure it is retained for future generations of Kelson residents.

## Specific Comments

Policy 7A 1.1.1 (a) of the District Plan raises a possible concern that the residential activity proposed to adjoin the remaining reserve area may result in reverse sensitivity issues.

## Discussion

The District Plan sets out objectives and policies for the General Recreation Activity Area, which is the proposed zoning of the remaining reserve area. The District Plan recognises that some recreation activities can have adverse effects on adjoining residential areas. Policy 7A 1.1.1 (a) states:

*“To ensure that recreation activities are of a scale and character that amenity values of adjoining residential activity area are not affected adversely”.*

The submitter is concerned that the proposed residential area to adjoin the remaining reserve area may result in reverse sensitivity issues, for example, if the new residents considered that they were adversely affected by dogs barking within the reserve. It is considered that the use of the remaining reserve and the type of uses, informal recreation such as dog exercising, will be of a scale and intensity which do not result in significant adverse effects on adjoining residential properties. Conversely it is reasonable for future residents of the site to expect to receive some noise from recreational activities on the adjoining reserve. Many residential areas are located alongside reserves and the two types of activities are considered to be generally compatible.

The Hutt City Council has a dog control bylaw, adopted on 24 May 2005. The dog control bylaw states that a person may exercise a dog off the lead in any designated dog exercise area as outlined in Schedule Three to this part of the bylaw. The Kelson Sportsground is listed as a dog exercise area in Schedule Three to this bylaw. The area to be retained as reserve would remain designated as a dog exercise area and no change to the bylaw would be required.

## Recommendation

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.20) be **accepted in part** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

## Reason

It is considered that potential reserve sensitivity arising from locating residential activity adjoining the remaining reserve area is not a significant issue. Overall, rezoning part of the site to the General Residential Activity Area is considered to be appropriate. The area to be retained as reserve is covered by the existing dog control bylaw and would remain designated as a dog exercise area. No change to the dog control bylaw would result from the Plan Change.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.21**

## Request of Submitter

That the Plan Change is considered in terms of the social and environmental well-being of the Kelson community under the Local Government Act as well as the Resource Management Act.

## Specific Comments

While the Council’s decision to sell the reserve is not considered under the Resource Management Act, the submitter considers it a matter of social and environmental well-being

for the Kelson community – under the Local Government Act as well as the Resource Management Act.

### **Discussion**

The Local Government Act, 2002, requires local authorities to take a sustainable development approach which includes taking into account the social, economic, and cultural well-being of people and communities, the need to maintain and enhance the quality of the environment and the reasonably foreseeable needs of future generations (section 14). As such the Local Government Act encourages local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities and allows a balanced approach to be undertaken on all decisions made by the Council.

The Resource Management Act, 1991, has a single purpose, which is to ensure that natural and physical resources are sustainably managed for present and future generations. The Section 32 Evaluation included an assessment of the Plan Change against the purpose and principles of the Resource Management Act. As such consideration has been given to whether the Plan Change will enable the community to provide for their social, economic and cultural wellbeing and for their health and safety. Overall, it is considered that the Plan Change is not contrary to the purpose and principles of the Resource Management Act.

The Resource Management Act establishes a hierarchy of policy documents and requires consistency between plans and plan changes with higher level policies in order to promote sustainable management and ensure integrated management of natural and physical resources at a national, regional and local level. The policy analysis undertaken in the Section 32 Evaluation for the Plan Change considers whether rezoning the site to a General Residential Activity Area is consistent with the relevant national, regional and local policies and plans. In line with the Council's responsibilities under the Local Government Act the Section 32 Evaluation considered whether the Plan Change is consistent with the Long Term Council Community Plan, 2009 – 2019 (LTCCP). The LTCCP does not override the provisions of plans under the Resource Management Act (or other statutory documents), nor is there a legal requirement that new plans and strategies that are adopted, while a LTCCP is in force, conform to it. However, because the LTCCP both records the outcomes identified by the community and identifies how the local authority will contribute to these, it is expected that local authorities will use this process to inform other plans and strategies to the LTCCP.

The outcomes sought under the LTCCP of particular relevance to the Plan Change include continued protection and conservation of the natural environment, affordable access to community facilities and recreational options and a built environment that is attractive, safe and healthy. Overall, it is considered that the Plan Change contributes to the achievement of the identified community outcomes of the LTCCP under the Local Government Act.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.21) be **accepted** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**



The Plan Change is considered to be consistent with the outcomes of the LTCCP, which includes consideration of the social, economic and cultural well-being of communities and the quality of the environment and is prepared under the Local Government Act, 2002.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.22**

**Request of Submitter**

That the Council support Option 1, retain the site as General Recreation Activity Area, and trim the vegetation at the top of Kelso Grove.

**Specific Comments**

As a regular user of the reserve, the submitter supports Option 1, to retain the status quo. Keeping the land as reserve while trimming vegetation from the top of Kelso Grove will improve the safety of the reserve by increasing natural surveillance.

**Discussion**

The Section 32 Evaluation for the Plan Change evaluated the costs and benefits of option 1, retaining the status quo, and determined that option 2 (zone part of the site General Residential Activity Area) is the most efficient and the most appropriate way to achieve the purpose of the Resource Management Act. Rezoning the site to the General Residential Activity Area is considered to be appropriate as the provisions of the District Plan will ensure that the amenity values and character of the area are maintained and adverse effects on the environment are avoided, remedied or mitigated.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.22) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

Rezoning the subject site General Residential Activity Area as proposed by the Plan Change is considered to be the most appropriate way to achieve the purpose of the Resource Management Act.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.23**

**Request of Submitter**

That the Council does not support Option 2 to rezone part of the site to General Residential Activity Area.

**Specific Comments**

The submitter opposes Option 2, to rezone part of the site General Residential Activity Area, for the reasons outlined in the submission.

**Discussion**

The Section 32 Evaluation for the Plan Change evaluated the costs and benefits of the options to rezone the site and determined that option 2 (zone part of the site General Residential Activity Area) is the most efficient and the appropriate way to achieve the purpose of the Resource Management Act. Rezoning the site to the General Residential Activity Area is considered to be appropriate as the provisions of the District Plan will ensure that the amenity values and character of the area are maintained and adverse effects on the environment are avoided, remedied or mitigated.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.23) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

Rezoning part of the site General Residential Activity Area as proposed by the Plan Change is considered to be the most appropriate way to achieve the purpose of the Resource Management Act.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.24</b>
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**Request of Submitter**

That the Council scope the viability of Option 3, rezone part of the site Hill Residential Activity Area, as an alternative to Option 1.

**Specific Comments**

With the limited information available, the submitter supports Option 3, rezone part of the site as Hill Residential Activity Area. Option 3 should be further scoped and considered by the community and Council, rather than assuming it is not viable.

**Discussion**

The costs and benefits of option 3, zone part of the site as Hill Residential Activity Area, have been considered within the Section 32 Evaluation for the Plan Change. The evaluation of costs and benefits of the options provided in the Section 32 Evaluation for the Plan Change is considered to be commensurate with the nature and scale of the proposal. However, it is considered that the evaluation of options could have more clearly shown why option 2 was recommended overall by including a conclusion of the assessment of costs and benefits and as such the following additional comments are provided.

The evaluation of the options in the Section 32 Evaluation shows that the benefits of option 2 outweigh the costs. Option 2 was considered to be the most efficient to achieve the objective of the most appropriate zone for the site with the greatest benefits and least costs. In addition, although option 3 had several benefits, the benefits were considered to be of less significance relative to the benefits of option 2, zone part of the site to General Residential Activity Area. For example, the main benefits of option 3 were listed in the Section 32 Evaluation – a low density development placing less pressure on infrastructure and a larger proportion of the site remaining in vegetation. These benefits were of low significance because it had been established through the research for the Plan Change that

servicing to the site could accommodate a density provided for by the General Residential Activity Area and that the ecological effects of clearing the vegetation on the site could be addressed at the subdivision stage if the site was rezoned to the General Residential Activity Area. Whereas the costs of option 3 were high, being less efficient use of the site by reducing the number of residential lots and reduced revenue resulting in less funding for improvements to the remaining reserve.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.24) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The costs and benefits of option 3, zone part of the site as Hill Residential Activity Area, have been considered within the Section 32 Evaluation for the Plan Change.

Submission:  
**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.25**

**Request of Submitter**

That the Council does not support Option 4.

**Specific Comments**

The submitter opposes Option 4, rezone part of the site as Medium Density General Residential Activity Area, due to the costs outlined in the Section 32 Evaluation.

**Discussion**

Option 4, zone part of the site as Medium Density General Residential Activity Area, is not recommended due to the costs outlined in the Section 32 Evaluation for the Plan Change.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.25) be **accepted** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The Plan Change proposes to rezone part of the site to the General Residential Activity Area as this was the recommended option resulting from the Section 32 Evaluation.

Submission:  
**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.26**

**Request of Submitter**

Review the traffic assessment and take into account the approved subdivisions in Kelson and their impacts on the State Highway 2 intersection with Major Drive.

**Specific Comments**

The traffic assessment does not take into account the increased traffic movements from the large subdivision approved at Waipounamu Drive, and the effects on the State Highway 2 intersection with Major Drive.

**Discussion**

The submitter is concerned that the traffic assessment has not taken into account the combined effects of the Plan Change and the approved subdivisions in Kelson and impacts on the intersection of State Highway 2 with Major Drive. Further to receiving submissions on the Plan Change, additional investigation into traffic issues raised in submissions was carried out by Traffic Design Group Ltd (see appendix 2). The traffic assessment has been updated to include consideration of the planned subdivision at 64 Waipounamu Drive. This is the only major subdivision in Kelson recently approved which has not been given effect to. Traffic Design Group Ltd advises that the forecast traffic flows through the Major Drive intersection with Kelso Grove are such that the ongoing spare capacity can readily accommodate the potential additional traffic activity associated with this plan change.

With regards to any effect on the performance of the intersection between Major Drive and State Highway 2, Traffic Design Group Ltd notes that during the weekday morning peak with some 24 additional dwellings, an average of one extra vehicle will arrive on the Major Drive approach to the signals during each cycle of the signals (assuming a 120s cycle at peak times). Traffic Design Group Ltd advises that they do not expect this additional level of traffic activity to have any noticeable effect on the performance of the intersection.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.26) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The traffic assessment has been reviewed by Traffic Design Group Ltd and has taken into account the approved subdivision at Waipounamu Drive. The traffic assessment has considered the combined effects of the Plan Change, the existing development and approved Waipounamu Drive subdivision on the State Highway 2 intersection with Major Drive. Traffic Design Group Ltd advises that they do not expect this additional level of traffic activity to have any noticeable effect on the performance of the intersection.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.27</b>
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**Request of Submitter**

That the Council support and implement a weed control and replanting programme for the reserve.

**Specific Comments**

The submitter supports a weed control and replanting programme for the reserve.

**Discussion**

An ecological assessment was undertaken for the Plan Change which included a number of mitigation measures including the implementation of a weed and replanting program at the time of subdivision to mitigate adverse ecological effects. The Section 32 Evaluation explained that this measure could be incorporated into a future subdivision of the site. No new District Plan provisions are proposed by this Plan Change as the existing provisions are considered to be sufficient to ensure that adverse environmental effects from future development of the site are avoided, remedied or mitigated.

With regards to a weed control and replanting programme for the remaining reserve area, this is a matter which is best addressed by non-District Plan measures. The area proposed to be retained as reserve within the General Recreation Activity Area will be owned and maintained by the Parks and Gardens Division of the Council. Maintenance activities undertaken within reserves are a permitted activity in the General Recreation Activity Area. The Plan Change does not propose to amend any provisions of the General Recreation Activity Area. The management of reserves, including weed control and replanting, is managed outside of the District Plan by the Parks and Gardens Division of the Council.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.27) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

If the Plan Change is approved, a weed and replanting program could be required at the time of subdivision of the site to mitigate adverse ecological effects. Weed control and replanting for the remaining reserve is managed by processes outside of the District Plan and is the responsibility of the Parks and Gardens Division.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.28</b>
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**Request of Submitter**

That the Council does not support any vegetation removal on the site.

**Specific Comments**

The submitter supports the retention of the bush and its relationship to the KNE and SNR Area 23. The birdlife in the area provides a lot of enjoyment for people in the area and incremental removal could affect the bush corridors. The forest is ecologically significant and should not be removed.

**Discussion**

The Plan Change and subsequent residential development would result in the loss of some of the vegetation on the site. The Section 32 Evaluation included an ecological assessment by Blaschke and Rutherford Environmental Consultants to assess the ecological values of the site and the actual and potential ecological effects associated with the Plan Change. The ecological assessment acknowledges that the principal adverse ecological effect of re-zoning the site would be the loss of some vegetation on the northern and eastern slopes of the site. However, the ecological assessment generally concludes that the loss of vegetation would

be moderated by the requirements of the provisions of the District Plan for the General Residential Activity Area and identifies a number of mitigation measures that could be addressed within a future subdivision of the site. With the exception of the significant vegetation in the area of the site shown as indicative lot 15 in Appendix 2 to the Plan Change, the adverse effects on the environment of vegetation removal on the rest of the site can be appropriately addressed at the subdivision stage through the provisions of the District Plan. It is recommended that the area shown as indicative lot 15 be removed from the Plan Change given the significance of vegetation in this part of the site (this is discussed in detail in response to submissions 5.1 and 5.2 on page 42 of this report).

It is likely that mitigation measures would be required by conditions of resource consent for a future subdivision of the site, such as consent notices to protect the most significant vegetation on the site, installation of sediment control measures and the implementation of a weed control and replanting programme. Overall, the adverse ecological effects of the Plan Change, including some vegetation removal from the site, are considered to be acceptable.

**Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The adverse ecological effects of the Plan Change, including some vegetation removal from the site, are considered to be acceptable as they would be moderated by the requirements of the provisions of the District Plan for the General Residential Activity Area and appropriate mitigation measures will be able to be required at the subdivision stage.

Submission: <b>DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.29</b>
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**Request of Submitter**

That the Council does not support any vegetation removal on the site.

**Specific Comments**

The Kereru (wood pigeon) provide a lot of enjoyment for people in the area. They are a threatened species and the loss of habitat would be of some ecological significance and as such it is important that the bush is retained.

**Discussion**

The Plan Change and subsequent residential development would result in the loss of some of the vegetation on the site. The Section 32 Evaluation included an ecological assessment by Blaschke and Rutherford Environmental Consultants to assess the ecological values of the site and the actual and potential ecological effects associated with the Plan Change. The ecological assessment identified that the vegetation on the site was of significance and that it is a very good bird habitat. The ecological effects are considered to be acceptable as the existing District Plan provisions will enable adverse ecological effects to be addressed at the future subdivision stage.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.29) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The adverse ecological effects of the Plan Change, including some vegetation removal from the site, are considered to be acceptable as they would be moderated by the requirements of the provisions of the District Plan for the General Residential Activity Area and appropriate mitigation measures will be able to be required at the subdivision stage.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.30**

### **Request of Submitter**

That the Council does not support the Plan Change based on the effects on the environment.

### **Specific Comments**

The submitter supports the conclusion of the Ecological Assessment that the effects of the Plan Change could have significant effects on the environment.

### **Discussion**

Justification for the Plan Change, including a comprehensive assessment of ecological effects, is provided within the Section 32 Evaluation. Overall, it is considered that the adverse effects on the environment of the Plan Change and resulting residential development are acceptable as they can be adequately controlled by the provisions of the General Residential Activity Area and the standards and matters for control in Chapter 14, Subdivision, of the District Plan. The Plan Change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.30) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The Plan Change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.31**

### **Request of Submitter**

That the Council supports the future proofing of the reserve by retaining the reserve as General Recreation Activity Area.

### **Specific Comments**

The submitter supports the future proofing of the reserve, especially as a rise in population may increase demand for the reserve.

### **Discussion**

Justification for the Plan Change is provided within the Section 32 Evaluation. The Plan Change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991. In the previous land review stage, the Council resolved to retain part of the reserve for recreational use by the community and as such the reserve status has been removed from only part of the site. As such, the Plan Change seeks to rezone only part of the site as General Residential Activity Area and the remainder of the site would be retained as reserve for recreational use by the community.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.31) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The Plan Change is considered to be appropriate in terms of achieving the purpose of the Resource Management Act, 1991.

Submission:

**DPP12-5-22-002 – Wendy Saunders and Gerry Dance – 2.32**

### **Request of Submitter**

That the Council ensure that any track around the reserve is constructed as an all-weather surface.

### **Specific Comments**

Any track around the reserve should be constructed as an all-weather surface, for children's bikes and walkers.

### **Discussion**

The submitter requests that any track around the remaining reserve is constructed as an all-weather surface. This is a matter that would be dealt with outside of the District Plan and, if the Plan Change is approved, can be addressed by the Parks and Gardens Division of the Council at the development plan stage for the improvements to the remaining reserve.

### **Recommendation**

It is recommended that the submission lodged by Wendy Saunders and Gerry Dance (2.32) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

### **Reason**

The details of the construction of a track in the area proposed to be retained as reserve is outside the scope of the Plan Change.



Submission:

**DPP12-5-22-004 –Russell and Evelyn Stewart – 4.1**

**Request of Submitter**

That the Council address the concerns identified in the submission.

**Specific Comments**

The proposed Plan Change will have a permanent effect on the site, the surrounding area and the native flora and fauna in these areas.

Should the proposal proceed the following points need clarification:

1. That the proceeds from the sale of the land be used to improve the condition of the remaining recreation reserve as a whole, not just the drainage.
2. The Kelso Sports Ground is listed as a dog walking area. As Kelson has one of the highest dog ownership ratios in Lower Hutt, this area should be retained as a dog walking/off the leash area and that intent made part of the Plan Change.
3. The requirement of car parking shown on the indicative plans should be amended in both the Kelso Grove turnaround area and the new extension. The proposal will remove the existing parking area at the end of Kelso Grove. It is not uncommon to have a dozen or more cars parking at the start and end of the school day and three or four cars parked by people using the sports ground later in the day. Any improvement of the reserve will increase the requirement for parking on the lower area, while the requirement for parking for school access will remain.

**Discussion**

The Council is required to apply the sale proceeds from the disposal of the site in accordance with the Reserves Act: to exchange or purchase other reserve land, or to improve or enhance existing reserves. In this case, the Council has decided to use the proceeds of the sale of the land to undertake improvements to the remainder of the reserve. How the proceeds from any sale of the site are used to improve the remaining reserve is a matter under the Reserves Act and not a matter which can be addressed by the Plan Change under the Resource Management Act, 1991.

The Kelson Sportsground is a designated dog exercise area under the Hutt City Council dog control bylaw adopted 24 May 2005. The submitter requests that the area be retained as a dog exercise given the high ratio of dog ownership in the area. The existing bylaw is the most appropriate means of ensuring the area is designated for dog exercise. It is not necessary or appropriate to deal with this matter under the District Plan. The area to be retained as reserve would remain designated as a dog exercise area and no change to the bylaw would be required as a result of the Plan Change.

The submitter requests that the requirement of car parking shown on the indicative plans should be amended in both the Kelso Grove turnaround area and the new extension. The submitter is concerned that the proposal will remove the existing parking area at the end of Kelso Grove because car parking is required in the area at the start and end of the school day and for the reserve, especially if it is improved and more widely used.

Further to receipt of submissions, Traffic Design Group Ltd, has reviewed the car parking effects of the Plan Change (see appendix 2). Traffic Design Group Ltd agrees with the submitter that the current arrangement provides safe and convenient access to the school and kindergarten and they observed up to eight cars parked close to the turning head at the end of Kelso Grove for this purpose.

Given the road reserve width in this location Traffic Design Group Ltd expects that it will remain possible to include a number of parking spaces in this location and in any case they have observed little if any residential demand for kerbside parking along the adjoining section of Kelso Grove at peak times of activity associated with the school and kindergarten. On this basis, Traffic Design Group Ltd advises that they do not expect the proposed development at the Kelson Sportsground to alter the convenience and safety of Kelso Grove as a drop-off and pick-up location.

**Recommendation**

It is recommended that the submission lodged by Russell and Evelyn Stewart (4.1) be **accepted in part** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

**Reason**

The submission is accepted in part in relation to the concerns raised in the submission that can be addressed through processes outside the Plan Change. The improvements to the remaining reserve area will be implemented by the Parks and Gardens Division if the Plan Change is approved. The Kelson Sportsground is already a designated dog exercise area under the Hutt City Council dog control bylaw and the remaining reserve area will be covered by this bylaw. With regards to the effects of the Plan Change on car parking; this has been assessed by Traffic Design Group Ltd and it is concluded that the Plan Change will not affect car parking within the area.

Submission: <b>DPP12-5-22-005 – Greater Wellington Regional Council – 5.1 and 5.2</b>
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**Request of Submitter**

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

- That lots 1, 2, 3, 14 and 15 are excluded from the Plan Change and protected as Scenic Reserve or kept in the General Recreation Activity Area.
- That parts of lots 4, 5, 6 and 8 are also excluded from the Plan Change and protected as Scenic Reserve or kept in the General Recreation Activity Area.
- That the area containing significant vegetation (shown on map ref 27618V) should be incorporated into the Scenic Reserve or General Recreation Activity Area as opposed to being left to be covenanted/protected at the subdivision stage.

- That parts of lots with ecological values should be protected by extending the Significant Natural Resource boundaries to include these areas so that they have appropriate protection should the land be subdivided.

### **Specific Comments**

The submitter comments that the Plan Change has been assessed for consistency with the regional policy documents, and is generally regarded as being consistent with regional policy direction. However, the submitter's concerns relate to the sites existing indigenous biodiversity and its connection to a Key Native Ecosystem (KNE).

The main issue is the potential adverse environmental effects on the nationally threatened indigenous biodiversity on the site and the submitter seeks changes to the proposed residential boundaries to address this issue.

The submission identifies the relevant provisions from the operative and proposed Regional Policy Statements that should be taken into account (RPS 1995, Chapter 9 - Ecosystems, Policy 4 and 7; PRPS 2010, Section 3.6 – Indigenous Ecosystems, Policy 22 and Policy 46).

The submitter advises that the areas of secondary forest within the site occur within a land environment (LENZ unit c2.1e) that has lost more than 90% of its former natural land cover nationally and is also within a regionally significant KNE.

As part of its KNE programme, Greater Wellington has been undertaking pest control in the area since 2000. The area has a healthy bird population and is well connected to other forest areas. Retention of these areas as reserve will ensure that the benefits to the ecosystem of the pest control are maintained.

The submitter supports a weed control and replanting programme in association with Greater Wellington, as recommended by the Ecological Assessment in Appendix 6 of the Plan Change.

The submitter outlines why the vegetation on the site is significant referring to the Ecological Assessment, LENZ unit c2.1e, the relevant policies of the Regional Policy Statements and the Proposed National Policy Statement on Indigenous Biodiversity.

### **Discussion**

The submitter suggests a number of changes to the Plan Change involving amending the boundaries of the area proposed to be rezoned to General Residential Activity Area so that areas containing the most significant vegetation remain within the General Recreation Activity Area. The submitter also suggests that the Significant Natural Resource boundaries be extended over parts of the site with ecological values.

The Section 32 Evaluation for the Plan Change contains an analysis of the relevant objectives and policies of the Regional Policy Statement and the Proposed Regional Policy Statement, including the objectives and policies within Chapter 9, Ecosystems, of the Regional Policy Statement and Section 3.6, Indigenous Ecosystems, of the Proposed Regional Policy Statement. The submitter lists the matters within policy 46 (section 3.6, Indigenous Ecosystems) of the Proposed Regional Policy Statement that are particularly relevant to the Plan Change. When considering the Plan Change, Policy 46 requires a determination to be

made as to whether an activity may affect indigenous ecosystems and habitats or areas with significant indigenous biodiversity values and requires that particular regard be given to the following matters:

**Policy 46      *Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values.***

*(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;*

***(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;***

*(c) managing wetlands for the purpose of aquatic ecosystem health;*

***(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;***

*(e) providing seasonal or core habitat for indigenous species;*

***(f) protecting the life supporting capacity of indigenous ecosystems and habitats;***

***(g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and***

***(h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.***

Note: The submitter considers that matters (b), (d), (f), (g) and (h) are the matters to consider when assessing the Plan Change.

Overall, the Plan Change is considered to be consistent with the Regional Policy Statement and Proposed Regional Policy Statement.

In addition to the policies of the Regional Policy Statement and the Proposed Regional Policy Statement the submitter explains that the site is within a land environment (LENZ unit c2.1e) that has lost more than 90 per cent of its formal natural land cover nationally. The submitter also notes that the significance assessment in the Proposed Regional Policy Statement is also consistent with the Proposed National Policy Statement on Indigenous Biodiversity (Policy 2 (d), which would require that local authorities regard land environments, defined by LENZ Level IV (2003) that have 20 per cent or less remaining in indigenous vegetation cover, as being significant indigenous vegetation.

Following receipt of submissions, the Council requested additional advice from Dr Paul Blaschke, Blaschke and Rutherford Environment and Ecology Consultants, on the ecological issues arising from submissions (see Appendix 3).

With regards to the effects of the Plan Change on the Key Native Ecosystem (KNE), in which the site is located, Dr Blaschke advises that the site is not a significant part of the KNE however the area shown as indicative lot 15 has significant values comparable to those of the core part of the KNE and should be protected.

The submitter describes the vegetation on the site as significant because almost all of the forest in this land environment (LENZ unit c2.1e) has been lost and that it would be considered significant under policy 22 of the Proposed Regional Policy Statement. LENZ is a

national environment-based classification of ecosystems mapped across New Zealand's landscape. LENZ helps assess the character and values of areas to assist conservation and management of resources ([www.landcareresearch.co.nz](http://www.landcareresearch.co.nz)). In reviewing the submission from Greater Wellington Regional Council, Dr Blaschke agrees that policy 22 has some relevance but that this does not necessarily mean that all parts of the land environment should be protected, only that the significance and values of any remaining vegetation should be carefully considered against the policy criteria. Dr Blaschke concludes that not all of the vegetation on the site is significant and that additional assessment of the vegetation is not required.

With regards to policy 2d of the Proposed National Policy Statement on Indigenous Biodiversity, Dr Blaschke considers that it may apply, to the extent that the vegetation on the site falls into typical 'natural' vegetation of environment c2.1e. Dr Blaschke considers that if this policy statement is approved as worded, considerable discretion will be needed in interpreting which areas the LENZ environments appropriately refer to.

Dr Blaschke has also provided advice on the amendments to the boundaries of the Plan Change suggested by the submitter. Dr Blaschke recommends that the area shown as indicative lot 15 remain as General Recreation Activity Area as it would result in greater certainty of protection for the most significant vegetation on the site. Dr Blaschke does not agree that the areas of the site shown as indicative lots 1,2,3,14, and parts of lots 4, 5, 6 and 8 be withdrawn from the Plan Change although he recommends that consideration be given to ecological values of the tall trees in some of these areas at the subdivision stage if the Plan Change is approved.

Dr Blaschke also advises that all parts of the site not being rezoned should be incorporated within the existing Significant Natural Resource 23. With regards to this recommendation, it is important to note that the rules within Chapter 14E for Significant Natural Resources on private land (which the subject part of the site would be if the Plan Change is approved and the land sold) are no longer valid as the sunset clauses on these rules have expired. As such, extending the SNR boundaries would require more than simply amending the boundaries on the planning maps. In order to extend the SNR boundaries over parts of the site as requested by the submitter, a rule would need to be added to the Significant Natural Resource chapter specifically for this site. This is considered to be unnecessary as the ecological values of the site will be assessed in a future subdivision and can be protected through mitigation measures such as consent notices. In addition, a comprehensive review is required to be undertaken to Chapter 14E Significant Natural, Cultural and Archaeological Resources in the near future and ecological values of the site can be reassessed and the SNR boundaries amended in a future Plan Change if appropriate.

In conclusion, based on the advice from Dr Blaschke, it is recommended that the area shown as indicative lot 15 is removed from the Plan Change and remain within the General Recreation Activity Area in order to provide greater certainty that the vegetation of most significance on the site will be retained. A restrictive consent notice could be placed over the significant vegetation on this part of the site at a future subdivision stage if the Plan Change is approved, but given the significance of this vegetation the greater certainty provided by

simply removing the area from the Plan Change is considered to be the most appropriate option. It is considered that any adverse ecological effects on the other areas of vegetation on the site can be addressed at the time of subdivision of the site through the existing provisions of the District Plan.

### **Recommendation**

It is recommended that the submission lodged by Greater Wellington Regional Council (5.1 and 5.2) be **accepted in part** and that Proposed Plan Change 22 be amended as shown in amended planning map E2 in appendix 1, recommended amendments to the Plan Change.

### **Reason**

It is recommended that the area shown as indicative lot 15 is removed from the Plan Change and remain within the General Recreation Activity Area in order to provide greater certainty that the vegetation of most significance on the site will be retained. It is considered that any adverse ecological effects on the other areas of vegetation on the site can be addressed at the time of subdivision through the existing provisions of the District Plan.