

DISTRICT PLAN SUBCOMMITTEE

**DECISION ON PROPOSED PLAN CHANGE 17 –
11 SEDDON STREET – REZONING AS GENERAL RESIDENTIAL
ACTIVITY AREA**

Record of the Decision of the District Plan Subcommittee on Proposed Plan Change 17 at their meeting at Hutt City Council, Administration Building, 30 Laings Road, Lower Hutt on 3rd August 2011

PRESENT:

Cr RW Styles (Chair)
Cr L Bridson
Cr C Milne
Mayor WR Wallace

In accordance with a delegation by Council, pursuant to the provisions of section 34 of the Resource Management Act 1991, the District Plan Subcommittee had power to act in determination of Changes to the Operative District Plan for recommendation to Council.

1. SUBMISSIONS

The following submitter lodged a submission on Proposed Plan Change 17:

Submission number	Name of Original Submitter	Submission reference
DPP12-5-17-001	Greater Wellington Regional Council	1.1

2. HEARING NOT REQUIRED

A hearing of submissions was not required as the only submitter withdrew their request to be heard on this Plan Change. A hearing of submissions is not required pursuant to schedule 1, Part 1, clause 8C of the Resource Management Act (the Act) which states that, where submissions are made but the request to be heard is withdrawn, the local authority shall consider the submission along with the other relevant matters but shall not be required to hold a hearing.

3. STATUTORY REGIME AND LEGAL FRAMEWORK

The purpose of Proposed Plan Change 17 is to re-zone the Hutt City Council (Council) owned site at 11 Seddon Street from General Recreation Activity Area to General Residential Activity Area in the City of Lower Hutt District Plan. This Plan Change is a result of Council's review of all the land it holds in fee simple title throughout the City to ensure all Council owned land is being used for the most appropriate purpose.

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

Plan Change 17 was notified on 12 April 2011, with submissions closing on 13 May 2011. The summary of submissions was notified on 7 June 2011, with further submissions closing on 21 June 2011. One original submission was received but the submitter has withdrawn their request to be heard on this Plan Change.

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.

Part II of the Act underpins the exercise of all functions, duties and powers. Section 5 is fundamental to any assessment. The approach in section 5 is to weigh the matters in section 5(2) in order to reach a broad judgement as to whether a policy or rule would promote the sustainable management of natural and physical resources.

Section 31 outlines the functions of the Council under the Act and includes: *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district, and the methods used to carry out any functions under subsection (1) may include the control of subdivision.*

Section 74 requires the Council to change its plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32 and any regulations.

Section 76 outlines the contents that a District Plan must contain, including objectives, policies and rules. Section 76 enables the Council to include rules in the District Plan, for the purpose of carrying out its functions under the Act, and to achieve the objectives and policies of the Plan. In making a rule the Council “...shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect;...”.

Procedural Matters and Analysis of Submission

The District Plan Subcommittee gave careful consideration of the Plan Change, the relevant issues and the submission.

The following report provides a summary of the submission and a decision in response to the submission.

The name of the submitter and the submission reference are printed in bold in the heading. Then the relief 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 Council’s decision.

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

Accordingly, for a submission to be deemed to be within the scope of Plan Change 17 the submission must relate to any one of the issues addressed in the Plan Change.

Attached to this report as Appendix 1 are the amendments to the City of Lower Hutt District Plan provisions as a result of the decision on the Plan Change.

Conclusion

After evaluating all matters, it was considered that the Plan Change offers the most appropriate way of achieving the purpose and principles of the Act.

4. DECISION AND REASONS

RESOLVED:

Minute No. DP110406

“That the Subcommittee recommends that the Policy Committee recommends that Council:

- (i) accepts the submission to Proposed Plan Change 17 for the reason recommended in section 5 of the report and that the Proposed Plan Change remain without change (attached as Appendix 1 to the report); and*
- (ii) instructs officers to prepare the decision for Proposed Plan Change 17 for approval by the Policy Committee and full Council. Following Council’s resolution, the decision will be issued to all submitters and a public notice advising of the appeal period will be placed in the Hutt News.”*

DECISION:

Submission:

DPP12-5-17-001 – Greater Wellington Regional Council – 1.1

Request of Submitter

Not stated.

Specific Comments

The submitter wishes to make a neutral submission on Proposed Plan Change 17. The plan change was assessed for its consistency with regional policy documents and was found to be generally consistent.

Discussion

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

Decision

Accept the submission lodged by Greater Wellington Regional Council to the extent that the provisions of Proposed Plan Change 17 remain unchanged.

Reason

No change is requested to the Plan Change by the submitter.

APPENDIX 1: PLAN CHANGE 17



Proposed Plan Change 17

Planning Map E4 : Amend by rezoning the identified hatched area from General Recreation Activity Area to General Residential Activity Area.
11 Seddon Street, Naenae



Scale 1:2,500



District Plan - City of Lower Hutt