

# **Proposed District Plan Change 19**

**172 and 206 WHITES LINE EAST, WAIWHETU–  
ZONING AS GENERAL RESIDENTIAL ACTIVITY AREA**

**Publicly Notified:  
Submissions Close:**

**12 April 2011  
13 May 2011 at 5.00pm**



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## Part 1: Introduction

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### 1. What is Proposed Plan Change 19?

The purpose of Proposed Plan Change 19 is to re-zone 2 Hutt City Council (Council) owned sites from General Recreation Activity Area to General Residential Activity Area in the City of Lower Hutt District Plan (the District Plan).

The sites are as follows:

- a) An area of land of approximately 920 m<sup>2</sup> in size, being part of Part Lot 2 DP 24651 and Lot 1 DP 31134, CT WN48/591, 172 Whites Line East. It comprises the former custodian's house and grounds at Te Whiti Park;
- b) An area of land of approximately 1,100 m<sup>2</sup> in size, being part of Part Lot 2 DP 24651 and Lot 1 DP 31134, CT WN48/591, 206 Whites Line East. It comprises a former staff house and grounds at Te Whiti Park;

The operative District Plan Map containing these sites is attached as Part 4 Appendix 1.

### 2. Reason for Proposed Plan Change

Since 2007 Council has been undertaking a review of all the land it holds in fee simple title throughout the City. The objective of the review is to ensure all Council owned land is being used for the most appropriate purpose. The review included an assessment of the contribution made by each of these sites to the City's open space and reserve network.

The sites the subject of this Proposed Plan Change was included in the review as they were considered by Council to no longer be required for the recreational purpose for which they were originally acquired. Further assessment by Council of the future potential of each of these sites concluded that their 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.

### 3. Structure of this document

This document contains five parts:

<b>Part 1</b>	is this introduction
<b>Part 2</b>	contains a copy of the public notice for Proposed Plan Change 19 which was advertised in the Hutt News on 12 April 2011
<b>Part 3</b>	shows the amendments proposed to the District Plan Map D5
<b>Part 4</b>	is a copy of the <i>Section 32 Evaluation</i> prepared for Proposed Plan Change 19, as required by section 74 of the Resource Management Act 1991
<b>Part 5</b>	contains a copy of a submission form (Form 5)

All five parts of this document are publicly available from Hutt City Council as detailed in Part 2 of this document.

#### 4. The Process for Proposed Plan Change 19

The process to date for preparing Proposed Plan Change 19 can be summarised as follows:

<b>March – September 2009</b>	Consultation with relevant parties (through proceedings under the Reserves Act 1977 and Local Government Act 2002)
<b>15 December 2009</b>	Need for Plan Change identified (resolution of Council) and Council approval to prepare Proposed Plan Change
<b>15 March 2011</b>	Proposed Plan Change adopted by Council for public notification
<b>12 April 2011</b>	Proposed Plan Change notified

Upon notification, all interested persons and parties have an opportunity to make further input through the submission process. The process for public participation in the consideration of these proposals under the Resource Management Act 1991 is as follows:

- After the closing date for submissions, Council must prepare a summary of the decisions requested by submitters and publicly notify its availability;
- There is an opportunity to make a further submission in support of, or in opposition to, submissions already made;
- If a person making a submission asks to be heard in support of his or her submission, a hearing must be held;
- Council must make a decision on the proposals (including its reasons for accepting or rejecting submissions); and
- Any person who has made a submission has the right to appeal Council decisions on the proposals to the Environment Court.

## PUBLIC NOTICE

### Public Notification of Proposed District Plan Change 19 to the City of Lower Hutt District Plan

*Clause 5 of the First Schedule – Part 1 of the Resource Management Act 1991*

Hutt City Council has prepared:

#### **PROPOSED DISTRICT PLAN CHANGE 19 – 172 and 206 WHITES LINE EAST, WAIWHETU REZONING TO GENERAL RESIDENTIAL ACTIVITY AREA**

Proposed Plan Change 19 seeks to rezone the Council owned sites at 172 (being part of Part Lot 2 DP 24651 and Lot 1 DP 31134, CT WN48/591) and 206 (being part of Part Lot 2 DP 24651 and Lot 1 DP 31134, CT WN48/591) Whites Line East to General Residential Activity Area. They are currently zoned General Recreation Activity Area and both comprise former custodian/staff houses and grounds at Te Whiti Park.

The proposed rezoning of these parcels of land to General Residential Activity Area reflects their historic and current usage and will enable their continued use for residential purposes. It will also ensure that any future development that might occur on the sites is of a nature and scale that reflects the surrounding residential environment.

#### **Documentation for Proposed Plan Change 19 can be inspected at:**

- All Hutt City Council Libraries; and
- Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt.

Alternatively, copies of the documentation are available on the Council website:

- <http://www.huttcity.govt.nz/Your-Council/Plans-and-publications/District-Plan/District-Plan-changes/>

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666 or
- Email: [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

If you have any questions please contact Chloe Smith on phone 04 570 6996 or email: [chloe.smith@huttcity.govt.nz](mailto:chloe.smith@huttcity.govt.nz)

### **Submissions close on FRIDAY 13 May 2011 at 5.00pm**

Any person may make a submission on Proposed Plan Changes 17-19. You may do so by sending a written submission to Council:

- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040;
- Deliver: Council Administration Building, 30 Laings Road, Lower Hutt;
- Fax: (04) 566 6799;
- Email: [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

The submission must be written in accordance with RMA Form 5 and must state whether or not you wish to be heard in respect of your submission. Copies of Form 5 are available from all of the above locations and the Council website.

The process for public participation in the consideration of this proposal under the Act is as follows:

- after the closing date for submissions, Hutt City Council must prepare a summary of the submissions and this summary must be publicly notified; and
- there must be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; and
- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Hutt City Council must give its decision on the proposal (including its reasons for accepting or rejecting submissions); and
- any person who has made a submission has the right to appeal the decisions on the proposal to the Environment Court.

**Tony Stallinger**  
**Chief Executive**

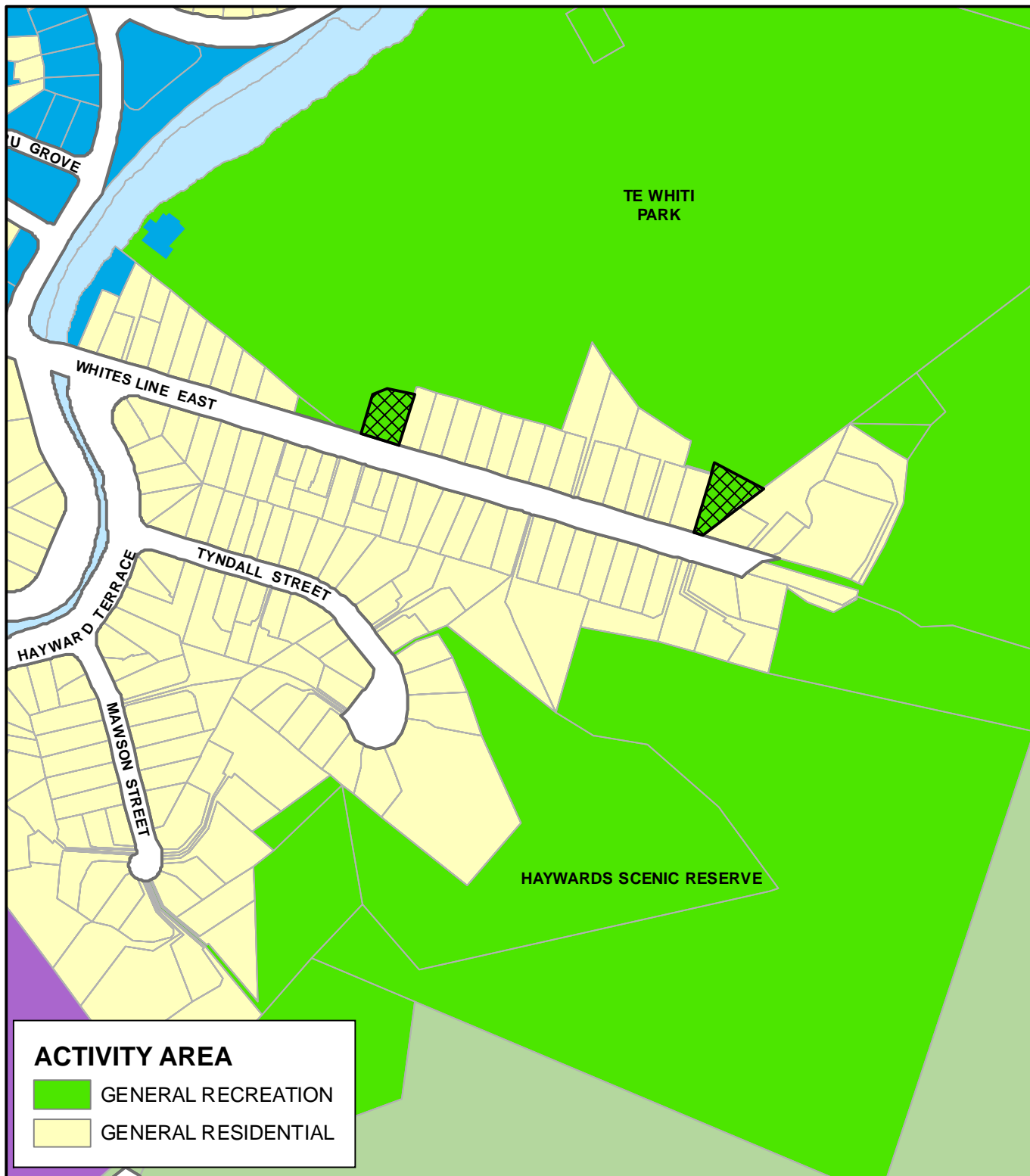
**12 April 2011**

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**Part 3:**

**Proposed Plan Change 19 - 172 and 206 Whites Line East, Waiwhetu  
Amendment to District Plan Map D5**

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Proposed Plan Change 19

Planning Map D5 : Amend by rezoning the identified hatched areas from General Recreation Activity Area to General Residential Activity Area.  
 172 and 206 Whites Line East, Waiwhetu



Scale 1:4,000



## **1. INTRODUCTION**

Before a Proposed District Plan change is publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of the proposed change and prepare a report. As prescribed in section 32 of the Act:

*An evaluation must examine:*

- a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

*An evaluation must also take into account:*

- a) the benefits and costs of policies, rules, or other methods; and*
- c) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

*Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.*

*A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed plan change is publicly notified.*

At the current time Council is considering the release of a number of properties for sale which are adjacent to city parks. Each of these properties, including the two which are subject to this Section 32 report, includes a house which has in the past been used by the custodian of the adjacent park or by Council staff. The Section 32 report focuses on the appropriateness of the proposal to rezone the properties (172 and 206 Whites Line East) in the City of Lower Hutt District Plan. It does not address the subsequent issue concerning the sale of publicly owned land as this is not a relevant matter for consideration under the RMA.

## **2. BACKGROUND TO THE PROPOSED PLAN CHANGES**

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

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

The future of the sites located at 172 and 206 Whites Line East, Waiwhetu was considered by Council on 15 December 2009, with the Council passing the following resolutions:

**RESOLVED: Minute No. C 090624(2)**

*“That Council recommends to the Minister of Conservation that:*

- ii. the Recreation Reserve status of an area of approximately 920 m<sup>2</sup>, being part of Part Lot 2 DP 24651, situated at 172 Whites Line East, Waiwhetu, being the former Te Whiti Park custodian’s house and grounds, be revoked to enable the property to be sold and the proceeds to be transferred to the Council’s Reserves Purchase and Development Account for the improvement, development or purchase of other reserves in accordance with its reserves’ strategy; and*
- iii. the Recreation Reserve status of an area of approximately 1100 m<sup>2</sup>, being part of Part Lot 2 DP 24651, situated at 206 Whites Line East, Waiwhetu, being a former staff house and grounds, be revoked to enable the property to be sold and the proceeds to be transferred to the Council’s Reserves Purchase and Development Account for the improvement, development or purchase of other reserves in accordance with its reserves’ strategy.”*

Following the adoption of these resolutions Council sought the consent of the Minister of Conservation, under s24 of the Reserves Act, to revoke the recreation reserve status over 172 and 206 Whites Line East. Ministerial consent was confirmed for the Whites Line East sites by the Department of Conservation on 10 May 2010.

### **3. DESCRIPTION OF THE LAND**

Relevant details relating to the sites to which this proposed change applies are provided as follows:

#### **172 WHITES LINE EAST, WAIWHETU**

##### **Historic context:**

This site is currently part of the Certificate of Title held for Te Whiti Park (WN48D/591). The majority of the larger area that comprises the park was compulsorily acquired by the Crown from local Iwi during 1942 and 1943 as part of a wider package of land assembled for housing purposes. In 1964 the Crown set this area apart from the larger landholding assembled for housing and vested it in the Lower Hutt City Council as a reserve for recreational purposes under the Reserves and Domains Act 1953.

##### **Site description:**

The site is zoned General Recreation Activity Area and is situated on Whites Line East, at the southern end of Te Whiti Park next to a carparking area. It comprises an unsurveyed area of land of approximately 920 m<sup>2</sup> within Part Lot 2 DP 24651 and Lot 1 DP 31134, Certificate of Title WN48D/591, which is the area currently fenced and/or developed for residential purposes. Although not actively managed as reserve, the subject area is covered by the Sportsground Reserves and Bush Reserves Management Plans applicable to Te Whiti Park.

The site is a flat, grassed area that contains a dwelling and two small ancillary buildings. The dwelling and grounds are physically separated from the rest of Te Whiti Park by a close boarded wooden fence along the western and northern boundaries. The remaining perimeter boundaries are also fenced. A driveway runs along the eastern boundary from the road to the rear of the site and established trees and vegetation are planted along the southern and western boundaries.



**Figure 1: 172 Whites Line East**

The dwelling was originally constructed for the purpose of housing an on-site custodian. With the advent of changes in work practices and parks maintenance operations the dwelling is no longer required for this purpose and has been privately tenanted for some years.

The adjacent area to the north and west of the site is within the General Recreation Activity Area and consists of sports grounds and facilities associated with Te Whiti Park. The wider surrounding properties are within the General Residential Activity Area and are predominantly used for residential purposes. There are also a number of properties within the Community Iwi Activity Area located in the vicinity of the site in an area bounded by Whites Line East, Guthrie Street and Puketapu Grove.

The current District Plan Map (D5) is attached at Appendix 1.

## **206 WHITES LINE EAST, WAIWHETU**

### **Historic context:**

This site is currently part of the Certificate of Title held for Te Whiti Park (WN48D/591). The majority of the larger area that comprises the park was compulsorily acquired by the Crown from local Iwi during 1942 and 1943 as part of a wider package of land assembled for housing purposes. In 1964 the Crown set this area apart from the larger landholding assembled for housing and vested it in the Lower Hutt City Council as a reserve for recreational purposes under the Reserves and Domains Act 1953.

### **Site description:**

The site is zoned General Recreation Activity Area and is situated on Whites Line East, at the south-eastern end of Te Whiti Park between two residential sites. It comprises an unsurveyed area of land of approximately 1,100 m<sup>2</sup> within Part Lot 2 DP 24651 and Lot 1 DP 31134, Certificate of Title WN48D/591, which is the area currently fenced and/or developed for residential purposes. Although not actively managed as reserve, the subject area is

covered by the Sportsground Reserves and Bush Reserves Management Plans applicable to Te Whiti Park.

The site is of a triangular shape and has a relatively narrow 6m frontage. The area is largely in grass, with an established tree planted on the western boundary near the front of the site. There is a slight upward gradient in topography from the south-east to north-west corners of the site. The land to the north is elevated and consists of established native vegetation.

The site contains a dwelling and an ancillary building, with the buildings and their associated grounds being physically separated from the rest of Te Whiti Park by a fence along the northern boundary. The western and eastern boundaries are also fenced. The dwelling was originally constructed for staff housing purposes. When it was no longer required for this purpose it was made available for rental and has been privately tenanted for some time.



Figure 2: 206 Whites Line East

The adjacent properties to the east and west of the site are within the General Residential Activity Area, while the area to the north is within the General Recreation Activity Area and consists of an area of native bush within Te Whiti Park. The wider surrounding properties are within the General Residential Activity Area and are predominantly used for residential purposes.

The current District Plan Map (D5) is attached at Appendix 1.

**4. ENVIRONMENTAL EFFECTS**

The subject sites are both located within existing, predominantly General Residential Activity Area neighbourhoods, and the associated dwellings have been used for residential purposes since their construction. Consequently, re-zoning these properties from General Recreation Activity Area to General Residential Activity Area would reflect their historic usage, align well with the surrounding land use context and continue to promote the efficient use of existing utilities and roading infrastructure.

**Landscape and Visual Amenity:**

Effects on landscape and visual amenity values associated with the subject sites would not occur as a consequence of their proposed re-zoning. The sites are already developed for residential purposes and no vegetation clearance is proposed. The Proposed Plan Change is seeking to alter the current zoning of the sites to General Residential Activity Area to fit in with the existing and long standing use of the sites.

**Residential Amenity:**

The properties in the vicinity of these sites are predominantly residential in nature and are within the General Residential Activity Area. Given that the historic use and development associated with the subject sites is residential in character, the inclusion of these sites in the General Residential Activity Area would act to maintain and enhance the residential amenity of the areas in which they are located.

By being included within the General Residential Activity Area any proposed future development of these sites would be subject to the same District Plan requirements applicable to the surrounding residential properties. This would include, in the event that any future subdivision of these sites were proposed, demonstration that the minimum lot size requirements of 400 m<sup>2</sup> per site can be met (refer Chapter 11 (Subdivision) of the District Plan). Any such proposal would require a resource consent to be obtained, and would be subject to the relevant conditions and standards set out in the District Plan.

**Recreation and Open Space:**

Although the sites are included within existing recreation reserves they have historically been used for custodial and/or staff housing purposes. Consequently, public access to these sites has been on a restricted basis, with the result being that they have been divorced from the range of recreation and open space opportunities and facilities generally available to users of Te Whiti Park.

In addition, reserve management practices have evolved to the point where maintenance operations that had formerly been carried out by on-site custodians employed by the Council are now either delivered by in-house operational teams or contracted out. Such changes in practice have meant the need for on-site provision of custodial housing is no longer required, as evidenced by the fact that the existing dwellings on the subject sites have been rented out to private tenants for some time.

Consequently, it is considered that re-zoning these sites for residential purposes will not affect the ongoing care of Te Whiti Park, nor will it affect the public use and enjoyment of the area.

**Ecology:**

The re-zoning of these sites will not have an effect on the ecology of the areas within which they are located as they are highly modified and no ecological attributes specific to the sites have been identified in the District Plan.

A significant natural resource area that comprises Haywards Eastern Hills Scenic Reserve is, however, located in the vicinity of the 206 Whites Line East site (Chapter 14E (Significant Natural, Cultural and Heritage Resources), Area 16, Appendix 1). Although the reserve itself is approximately 120 m to the east of the Whites Line East site and will not be affected by the proposed re-zoning, there is a stand of remnant beech forest directly to the north of the site located within Te Whiti Park. The stand is separated from the subject site by a buffer area comprised largely of regenerating scrub and low forest, the width of which is approximately 10 m.

It is considered that the integrity of this stand of remnant beech would not be affected by the re-zoning proposal as any future development that might occur on the site would be confined to the area identified in the Proposed Plan Change and subject to the General Residential Activity Area requirements in the District Plan.

### **Infrastructure:**

Both sites are serviced with existing connections to power, phone, stormwater, wastewater, water supply and the local roading network. Consequently, the re-zoning of these sites would not, in itself, result in additional demand being exerted on existing infrastructure capacity. This would, however, need to be further considered in the event that more intensive redevelopment of the sites was proposed.

Council engaged Capacity Limited to outline any impact the proposed re-zoning may have on the existing water supply, wastewater and stormwater infrastructure. The report indicates that there is existing stormwater infrastructure crossing the site at 172 Whites Line East and existing wastewater infrastructure crossing the site at 206 Whites Line East. The maintenance of these assets should be considered if the sites are sold and consideration should be given to the creation of easements to allow for future maintenance. Any future development on the sites should take into consideration the location of the infrastructure assets.

Appendix 2 contains the full report and maps of the existing infrastructure.

## **5. POLICY ANALYSIS**

### **5.1 Resource Management Act 1991**

Proposed Plan Change 19 is considered to be in keeping with the purpose of the RMA, in that it promotes the sustainable management of natural and physical resources. There are no identifiable matters of national importance (section 6) applicable to the proposed change. Four of the *Other matters* that section 7 directs Council to have particular regard to in achieving the purpose of the Act, are considered to be of particular relevance. These are:

*7(b) The efficient use and development of natural and physical resources*

*7(c) The maintenance and enhancement of amenity values*

*7(f) Maintenance and enhancement of the quality of the environment*

*7(g) Any finite characteristics of natural and physical resources*

The proposed change is considered to be an efficient use of the City's land resource as the sites are no longer required for recreational purposes. The application of the General

Residential Activity Area provisions to the land will maintain the amenity values of the surrounding properties and the quality of the residential environment in which the sites are located.

With respect to section 8, the principles of the Treaty of Waitangi have been taken into account. Local iwi were consulted on this proposal as part of the Council's land review process and have been included in the initial pre-consultation phase of this plan change as outlined further in section 6.1 of this report. A preliminary response from the Port Nicholson Block Settlement Trust (PNBST) indicated support for this plan change.

## **5.2 Regional Policy Statement for the Wellington Region (Operative)**

The Regional Policy Statement for the Wellington Region (RPS) provides the regional policy framework for managing the environment and providing for growth and its effects.

The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve integrated management of the region's natural and physical resources.

The Built Environment and Transportation chapter of the RPS is considered to be most relevant to the Proposed Plan Change, with the objectives and policies of particular relevance being:

*Objective 1*            *Urban areas, the built environment and transportation systems are developed so that they, and their associated activities, use resources efficiently and demand for the use of finite resources is moderated.*

*Objective 2*            *The adverse environmental effects that result from the use of urban areas, transportation systems and infrastructure are avoided, remedied or mitigated and, in particular, any effects that result from the concentration and scale of activities in urban areas are recognised and provided for.*

*Objective 3*            *The environmental quality of urban areas is maintained and enhanced.*

*Policy 2*                *To use natural and physical resources efficiently in the development of urban areas and in use of the built environment by:*  
*(1) Encouraging forms of urban development that reflect efficient use of resources; and*  
*(2) Avoiding, where practicable, the use of new resources, particularly non-renewable resources.*

*Policy 6*                *To promote the provision and efficient use of infrastructure in the Region, and the reduction of adverse environmental effects from its use.*

The proposed change is considered to give effect to the RPS, particularly the provisions referred to above. The sites are proposed to be re-zoned General Residential Activity Area within the existing urban boundaries of the City of Lower Hutt and have been used for residential purposes for some time. Therefore their ongoing residential use would be consistent with the efficient use of land and the infrastructure that already services the areas in which these sites are located.

### **5.3 Proposed Greater Wellington Regional Policy Statement**

Greater Wellington Regional Council has recently undertaken a review of the RPS, resulting in the notification of the Proposed Regional Policy Statement in 2009 (the Proposed RPS).

The Chapter of most relevance to Proposed Plan Change 19 is *Chapter 3.9 Regional form, design and function*. The objective of this chapter (Objective 21) seeks *a compact, well designed and sustainable regional form that has an integrated, safe and responsive transport network and: ... (d) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form; (e) strategically planned rural development; (f) a range of housing (including affordable housing); (h) integrated land use and transportation ...and (j) efficient use of existing infrastructure (including transport network infrastructure).*

Proposed Plan Change 19 is considered to give effect to the Proposed RPS. In particular they will help to reinforce a compact regional form that integrates with the transport network, and encourage efficient use of existing infrastructure, including existing utilities and roads.

### **5.4 The Wellington Regional Strategy**

The Wellington Regional Strategy (WRS) is a sustainable growth strategy that has been developed by greater Wellington's 9 local authorities, in conjunction with central government and the region's business, education, research and voluntary sector interests. The WRS lists 3 focus areas for sustainable growth, these being; leadership and partnerships, growth of the region's economy and good regional form.

The WRS does not specifically address the type of rezoning that is sought by this Proposed Plan Change, however it is not inconsistent with it.

### **5.5 Consistency with surrounding District Plans**

Section 74(2)(c) of the RMA requires Council to consider the extent to which these Proposed Plan Changes need to be consistent with the plans or proposed plans of adjacent territorial authorities.

Proposed Plan Change 19 covers two small parcels of land well within the jurisdictional boundary of the City of Lower Hutt. Consequently, they will have no affect on the plans or proposed plans of adjacent territorial authorities and will not be inconsistent with them.

### **5.6 Other Strategies and Plans**

The Hutt City Council has relevant strategies and plans that detail the priorities for the city, namely:

- Economic Development Strategy 2009
- Environmental Sustainability Strategy 2009
- Reserves Policy 2004
- Reserves Strategic Directions Strategy 2003
- Reserve Land Acquisition and Disposal: Policy and Guidelines
- Long Term Council Community Plan (LTCCP) 2009



This Plan Change has taken these into consideration and is aligned with them.

**5.7 Area-Wide Objectives of the District Plan**

The Area Wide objectives in Chapter 1.10 of the District Plan that are of particular relevance to Proposed Plan Change 19 are as follows:

*Objective 1.10.2  
Amenity Values*                      *To identify, maintain and enhance the character and amenity values of the different activity areas.*

*Objective 1.10.3  
Residential Activity*                      *To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.*

*Objective 1.10.6  
Recreation and Open  
Space*                      *To provide and maintain a diverse range of open space and recreation facilities for the enjoyment of residents and visitors which meet the needs of different sectors of the community.*

In considering these objectives, the proposed re-zoning of these sites to General Residential Activity Area is consistent with their intent for the following reasons:

- It will formalise the existing and long established use of the sites for residential purposes, while maintaining the character and amenity values of the surrounding *General Residential Activity Area*. The latter would be achieved through recognition that the current use and development relating to these sites contributes to the character and amenity of the areas in which they are located, and that any future development would need to comply with the relevant residential provisions in the District Plan.
- Although the sites are currently included within Te Whiti Park, they have never been used for recreational or open space purposes. Consequently, their re-zoning will not impede the future use and enjoyment of these parks as the current range of sports grounds and facilities available at these parks will continue to be accessible to users.
- The proceeds of any sale of these sites will, in accordance with Council’s Reserve Strategy, be used for the purposes of improving, developing or purchasing other reserves in the City.

**5.8 General Residential Activity Area Objectives**

The General Residential Activity Area objectives in Chapter 4A.1 of the District Plan that are of particular relevance to Proposed Plan Change 19 are as follows:

*Objective 4A 1.1.1  
Residential Character  
and Amenity Values*                      *To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.*

*Objective 4A 1.2.1  
Building Height, Scale,  
Intensity and Location*                      *To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.*

In considering these objectives, the proposed re-zoning of these sites to General Residential Activity Area is consistent with their intent. In particular it will ensure that any future development that might occur on these sites is appropriately addressed, and that the amenity values and residential character associated with the surrounding area will continue to be maintained in line with current District Plan requirements.

## **6. CONSULTATION**

Consultation with local groups and organisations, residents and other parties who may be affected by the decision to re-zone the sites identified in Proposed Plan Change 19 has already been undertaken. The consultation was initiated in accordance with Local Government Act requirements relating to the disposal of parks and reserves, and was additional to the statutory processes required under Schedule 1 of the RMA.

The consultation undertaken involved the following:

Formal consultation was carried out over the period 21 July 2009 to 1 September 2009. This included the following actions:

- Formal advertisement in the Hutt News of 21 July 2009 regarding possible disposal of park lands and inviting public submissions.
- Letter and reports sent to relevant iwi groups identified as having a possible interest in the proposals.
- Letter and report sent to tenants of land identified for possible disposal.
- Information posted on the Council's website.

A total of 4 submissions were received on the proposal to dispose of these sites. Three submissions in support were received, 2 of which further sought first right of refusal to acquire/right to negotiate a transfer of the properties should they be declared surplus. The fourth submission sought ongoing tenancy of one of properties.

### **6.1 Consultation in accordance with the First Schedule of the RMA 1991**

In accordance with Clause 1 of Schedule 1 of the Resource Management Act 1991 the following statutory authorities have been consulted prior to notification of the proposed plan change:

- Ministry for the Environment
- Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui
- Wellington Tenth Trust
- The Palmerston North Maori Reserve Trust
- The Port Nicholson Block Settlement Trust

## **7. EVALUATION OF OPTIONS**

## 7.1 Introduction

The Proposed Plan Changes seek to amend the District Plan by re-zoning the sites located at 172 and 206 Whites Line East from General Recreation Activity Area to General Residential Activity Area.

The General Residential Activity Area applies to most of the areas in the City that are predominantly used for residential purposes. It is characterised by low to medium density residential development consisting of single or double storey dwelling houses, open space and an absence of large scale commercial or industrial activities. It is the primary residential zoning across the valley floor and Western Hills.

As noted previously, the Council’s decision to sell publicly owned land is not a relevant matter for consideration in terms of the RMA or the assessment undertaken in accordance with section 32 of the Act. Accordingly, the specific zoning options considered below are based on the premise that it is the intention of the Council to declare the land surplus (to be used for residential purposes) subject to the outcome of the plan change process.

## 7.2 Alternatives

The range of options that have been considered in preparing Proposed Plan Change 19 are discussed below.

### 172 WHITES LINE EAST, WAIWHETU

Three options have been identified and considered for this site. They are as follows:

- Status quo – Retain the site as General Recreation Activity Area
- Retain the site as General Recreation Activity Area and convert the dwelling to a community facility
- Re-zone the site General Residential Activity Area

OPTION	EVALUATION
<p>Option 1: Status Quo – Retain site as General Recreation Activity Area</p> <p>NOT RECOMMENDED</p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Avoids the cost associated with a plan change process</li> <li>• Retains the potential for the site to be used for future recreational activities</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Fails to recognise the historic and contemporary use of the site for residential purposes, and that it is no longer required for the purpose for which it was initially used and developed (i.e. custodial housing associated with Te Whiti Park)</li> <li>• Public access will continue to be restricted by the current use of the site and there is neither a demonstrated need nor any Council plans to use it for future recreational purposes</li> <li>• Provides for future use and development that could diminish the existing residential character and amenity of the site (e.g. public toilets, changing sheds, club rooms)</li> <li>• Requires a resource consent to be sought for any future use or development of the site that is non-recreational in nature</li> </ul>

<p>Option 2: Retain site as General Recreation Activity Area and convert dwelling to a community facility</p> <p>NOT RECOMMENDED</p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Avoids the cost associated with a plan change process</li> <li>• Provides for the continued use of the site for public/community versus private purposes</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Fails to recognise the historic and contemporary use of the site for residential purposes</li> <li>• There is neither a demonstrated need nor any Council plans to establish a community facility in the locality</li> <li>• Restricts the nature of activities which can take place on the balance of the site to those that are recreational in nature</li> <li>• Requires a resource consent (as a discretionary activity) to be sought to convert the use of the dwelling to a community facility</li> </ul>
<p>Option 3: Re-zone site General Residential Activity Area</p> <p>RECOMMENDED</p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Recognises the historic and contemporary use of the site for residential purposes, and that it is no longer required for the purpose for which it was initially used and developed (i.e. custodial housing associated with Te Whiti Park)</li> <li>• Retains the existing residential character and amenity of the site and the contribution it makes to the surrounding residential area</li> <li>• Promotes efficient use of reticulated on-site services</li> <li>• Provides for an efficient use of land that Council (as the owner) has no further use or alternative plans for</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Loss of future opportunities for the site to be used for recreational purposes</li> <li>• Costs associated with a plan change process</li> </ul>

**Summary:**

Re-zoning the property at 172 Whites Line East to General Residential Activity Area will allow the historic and existing use of the site for residential purposes to continue. It will also permit the site to be utilised in a manner that makes efficient use of existing on-site development and associated infrastructure, while ensuring that the amenity values associated with the surrounding residential area and adjacent Te Whiti Park are maintained.

Consequently, the re-zoning of the site to General Residential Activity Area is considered appropriate given its use, size, character and location relative to other similarly zoned land in the vicinity. It will also ensure that any future development that might occur on the site is of

a nature and scale that corresponds with the characteristics anticipated by the District Plan in an environment that is predominantly residential.

**206 WHITES LINE EAST, WAIWHETU**

Three options have been identified and considered for this site. They are as follows:

- Status quo – Retain the site as General Recreation Activity Area
- Retain the site as General Recreation Activity Area and convert the dwelling to a community facility
- Re-zone the site General Residential Activity Area

OPTION	EVALUATION
<p>Option 1: Status Quo – Retain site as General Recreation Activity Area</p> <p><b>NOT RECOMMENDED</b></p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Avoids the cost associated with a plan change process</li> <li>• Retains the potential for the site to be used for future recreational activities</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Fails to recognise the historic and contemporary use of the site for residential purposes, and that it is no longer required for the purpose for which it was initially used and developed (i.e. Hutt City Council staff housing)</li> <li>• Public access will continue to be restricted by the current use of the site and there is neither a demonstrated need nor any Council plans to use it for future recreational purposes</li> <li>• Provides for future use and development that could diminish the existing residential character and amenity of the site (e.g. public toilets, changing sheds, club rooms)</li> <li>• Requires a resource consent to be sought for any future use or development of the site that is non-recreational in nature</li> </ul>
<p>Option 2: Retain site as General Recreation Activity Area and convert dwelling to a community facility</p> <p><b>NOT RECOMMENDED</b></p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Avoids the cost associated with a plan change process</li> <li>• Provides for the continued use of the site for public/community versus private purposes</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Fails to recognise the historic and contemporary use of the site for residential purposes</li> <li>• There is neither a demonstrated need nor any Council plans to establish a community facility in the locality</li> <li>• Restricts the nature of activities which can take place on the balance of the site to those that are recreational in nature</li> <li>• Requires a resource consent (as a discretionary activity) to be sought to convert the use of the dwelling to a community facility</li> </ul>

<p>Option 3: Re-zone site General Residential Activity Area</p> <p>RECOMMENDED</p>	<p>Benefits:</p> <ul style="list-style-type: none"> <li>• Recognises the historic and contemporary use of the site for residential purposes, and that it is no longer required for the purpose for which it was initially used and developed (i.e. Hutt City Council staff housing)</li> <li>• Retains the existing residential character and amenity of the site and the contribution it makes to the surrounding residential area</li> <li>• Promotes efficient use of reticulated on-site services</li> <li>• Provides for an efficient use of land that Council (as the owner) has no further use or alternative plans for</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>• Loss of future opportunities for the site to be used for recreational purposes</li> <li>• Costs associated with a plan change process</li> </ul>
--	---

**Summary:**

Re-zoning the property at 206 White Line East to General Residential Activity Area will allow the historic and existing use of the site for residential purposes to continue. It will also permit the site to be utilised in a manner that makes efficient use of existing on-site development and associated infrastructure, while ensuring that the amenity values associated with the surrounding residential area and adjacent Te Whiti Park are maintained.

Consequently, the re-zoning of the site to General Residential Activity Area is considered appropriate given its use, size, character and location relative to other similarly zoned land in the vicinity. It will also ensure that any future development that might occur on the site is of a nature and scale that corresponds with the characteristics anticipated by the District Plan in an environment that is predominantly residential.

**8. RISK OF ACTING OR NOT ACTING**

A section 32 evaluation must also take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

In this regard it is considered that Council has sufficient information about the subject matter of Proposed Plan Change 19 to act on these proposals.

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## Appendices

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- Appendix 1:** Operative District Plan Map D5  
**Appendix 2:** Infrastructure Report for 172 and 206 Whites Line East



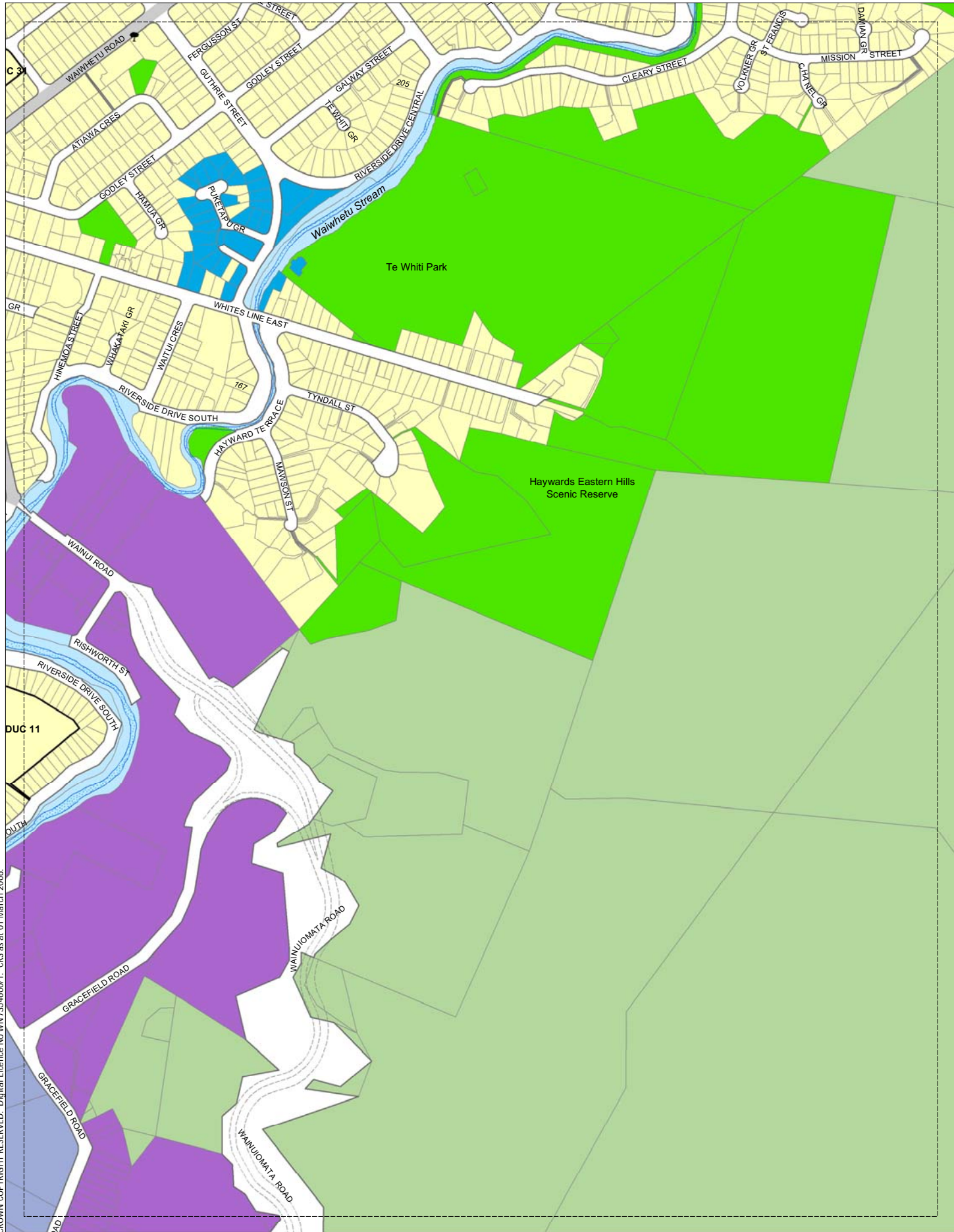


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**Appendix 1: Operative District Plan Map D5**

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Updated 14 March 2006

**ACTIVITY AREAS**

- |                      |                     |                    |
|----------------------|---------------------|--------------------|
| General Residential  | Central Commercial  | Extraction         |
| Special Residential  | Petone Commercial   | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential     | Special Commercial  | River Recreation   |
| Landscape Protection | General Business    | Passive Recreation |
| Rural Residential    | Special Business    | Community Health   |
| General Rural        | Avalon Business     | Community Iwi      |

**ANNOTATIONS**

- |                            |                            |
|----------------------------|----------------------------|
| City Boundary              | Regional/Forest Park       |
| Designation                | Heritage Area              |
| Higher Density Residential | Primary River Corridor     |
| Wellington Faultline       | Secondary River Corridor   |
| Special Study Area         | 1 in 100 Year Flood Extent |
| Hydraulic Line             | Building Setback Line      |
| Flood Protection Bank      | Notable Tree               |
| Railway Line               | Historic Place             |



C4	D4	E4
C5		E5
C6	D6	E6



**District Plan - City of Lower Hutt**

Scale 1:6000

**D5**









19 January 2011

Capacity  
Private Bag 39804  
Wellington Mail Centre

Our ref: 51/28016//16B and C - 172 and  
206 Whites Line East, Waiwhetu (Te  
Whiti Park) - V2.doc  
YourRef

Attn: Yon Cheong

Dear Yon

### **Proposed District Plan Change 16B and C: 172 and 206 Whites Line East, Waiwhetu (Te Whiti Park)**

Hutt City Council are proposing to re-zone 172 Whites Line East and 206 Whites Line East (both being part of Part Lot 2 DP 24651 and Lot 1 DP 31134, CT WN48/591) from *General Recreation Activity Area* in the Lower Hutt District Plan to *General Residential Activity Area*. This relates to two areas of land: -

- ▶ 172 Whites Line East is approximately 920 m<sup>2</sup> in size comprising the former custodian's house and grounds at Te Whiti Park. The dwelling was originally constructed for the purposes of housing an on-site custodian. With the advent of changes in work practices and parks maintenance operations the dwelling is no longer required for this purpose and has been privately tenanted for some years.
- ▶ 206 Whites Line East approximately 1,100 m<sup>2</sup> in size comprising a former staff house and grounds at Te Whiti Parkney Park. The dwelling was originally constructed for staff housing purposes. With the advent of changes in work practices and parks maintenance operations the dwelling is no longer required for this purpose and has been privately tenanted.

We have been asked to outline any impact the proposed rezoning may have on the existing water, wastewater and stormwater infrastructure.

#### **1 Change in Activity**

Given that the former custodian's house at 172 Whites Line East and the former staff house at 206 Whites Line East are currently privately tenanted with residential activity, rezoning this area is unlikely to have significant, if any impact on the existing water, wastewater and stormwater.

There are however assets crossing both areas (under buildings), these are discussed in more detail below. The maintenance of these assets should be considered if re-zoning occurs, if these parcels are sold, consideration should be given to creation of easements to allow future maintenance. Any future development of these parcels should consider the location of these assets.

#### **2 16B: 172 Whites Line East**

Figure 1 attached shows this area and any local water, wastewater and stormwater infrastructure.



## **2.1 Water**

This parcel is supplied by a double end fed 40 mm GI rider main along the verge on the northern side of Whites Line East, a 100 mm diameter CLS water main is in the verge on the southern side of Whites Line East

## **2.2 Wastewater**

The closest sewer is 150 mm in diameter crossing Whites Line East at 176 before passing west along the rear of the properties on the southern side of Whites Line East. There is another 150 mm diameter sewer line on the northern side of Whites Line East terminating at 168.

## **2.3 Stormwater**

There is a 225 mm pipe line crossing the parcel from north to south under the existing garage, this takes stormwater from the Te Whiti Park access way through to Whites Line East before continuing west along Whites Line East towards the Waiwhetu Stream.

Flood mapping indicates that during flooding of the Waiwhetu Stream, surface flooding can occur along Whites Line East to number 180.

## **3 16C: 206 Whites Line East**

Figure 2 attached shows this area and any local water, wastewater and stormwater infrastructure.

### **3.1 Water**

This parcel is at the end of a single end fed 40 mm GI rider main, a 100 mm diameter CLS water main is in the verge on the southern side of Whites Line East.

### **3.2 Wastewater**

There is a 150 mm diameter RC Sewer crossing through the middle of this parcel (from east to west) beneath the existing dwelling.

### **3.3 Stormwater**

There is a 600 mm reinforced concrete stormwater main going east along Whites Line East from near the entrance to this parcel, discharging in the Waiwhetu Stream.

Flood mapping indicates that: -

- ▶ During flooding of the Waiwhetu Stream, surface flooding can occur along Whites Line East to number 180.
- ▶ There is also localised flooding at Number 235 Whites Line East, directly opposite 206 Whites Line East





Yours faithfully  
GHD Limited

A handwritten signature in blue ink, appearing to read 'L. Toy', with a small dot at the end of the signature.

**Lynley Toy**  
Water Engineer  
576 0633





1:597 (at A4)  
 0 2.5 5 10 15 20  
 Metres  
 Map Projection: Transverse Mercator

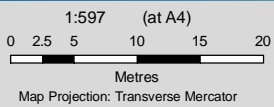


Hutt City Council  
 Proposed District Plan Changes  
 172 Whites Line East

Job Number	XX-12345
Revision	A
Date	8 December 2010

Figure 1





Hutt City Council  
 Proposed District Plan Changes  
**206 Whites Line East**

Job Number	XX-12345
Revision	A
Date	8 December 2010

**Figure 2**



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**Part 5: Copy of Submission Form**

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# Submission on publicly notified Proposed District Plan Change



Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. **This is a submission from:**

Full name	<i>Last</i>		<i>First</i>	
Company/organisation				
Contact <i>if different</i>				
Address	<i>Number</i>	<i>Street</i>		
	<i>Suburb</i>			
	<i>City</i>		<i>Postcode</i>	
Address for Service <i>if different</i>	<i>Postal Address</i>		<i>Courier Address</i>	
Phone	<i>Day</i>		<i>Evening</i>	
Fax	<i>Mobile</i>			
Email				

2. This is a **submission** on the following proposed change to the City of Lower Hutt District Plan:

**Proposed District Plan Change No:**

**Title of Proposed District Plan Change:**

3. The specific provisions of the proposal that my submission relates to are:

*Please give details:*

*(Please use additional pages if you wish)*

4. My submission is:

*Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:*

*(Please use additional pages if you wish)*

5. I seek the following decision from Hutt City Council:

*Give precise details:*

*(Please use additional pages if you wish)*

6. I  **wish**  **do not wish** to be heard in support of my submission.  
*(please tick one)*

7. If others make a similar submission,  
I  **will**  **will not** consider presenting a joint case with them at the hearing.  
*(please tick one)*

Signature of submitter:    
*(or person authorised to sign on behalf of submitter)* *Date*

Submission number   
OFFICE USE ONLY