

**PROPOSED PLAN CHANGE 15 - POTO ROAD ZONING, NORMANDALE
REPORT BY INDEPENDENT COMMISSIONER TO HUTT CITY COUNCIL**

Summary and Recommended Decision

Proposed Plan Change 15 proposes to zone two parcels of Council-owned land on the corner of Poto Road in Normandale (Pt. Sec 93, Normandale Settlement, CT 26B/735 and land identified in Gazette Notice 5/11/09, No. 161, p. 3894) 'General Residential Activity Area'. At present the land is identified as 'road' in the District Plan and has no zoning. The proposed plan change would enable subdivision and development of the site for residential activity in accordance with the provisions of the General Residential Activity Area.

Pursuant to my delegated authority under section 34A(1) of the Resource Management Act 1991, after considering all of the information relating to the proposal to zone an area of land at Poto Road, Normandale, to General Residential Activity Area, I recommend -

- (a) That, pursuant to section 32(2)(a) of the Resource Management Act, the Hutt City Council adopt the further evaluation of Proposed Plan Change 15 contained within this report and its conclusion that the proposed plan change is the most appropriate means of giving effect to the objectives of the City of Lower Hutt District Plan;
- (b) That, pursuant to clause 10 of the First Schedule of the Act, the Hutt City Council approves Proposed Plan Change 15 as outlined in Annexure 1; and
- (c) That the decisions requested by submissions are recommended to be accepted or rejected, in full or in part, for the reasons outlined in this report, and as outlined in Annexure 2.

The principal reasons for this recommended decision are as follows:

The proposed plan change would remedy an anomaly in the operative District Plan in that the two subject freehold titles currently have no zoning, but are identified as 'road' a purpose for which the land is no longer required - thus the proposed plan change would eliminate the uncertainty about the site's future use and development.

The residential zoning of the land would be the most appropriate management framework for land that is held in fee simple and that is likely to be privately held in the near future, with future landowner(s) expectations that it would be able to be developed and used.

The proposed plan change would provide for the residential development of the site in a manner that would avoid, remedy or mitigate the potential adverse effects on the environmental values of the area.

The proposed plan change would be consistent with the objectives and policies of the operative City of Lower Hutt District Plan, particularly those relating to the management of the City's residential environment and to the consolidation of existing urban area.

The proposed plan change would promote the sustainable management of the future development and use of the land, in accordance with the purpose and principles of the Resource Management Act 1991.

In making this recommendation, I was fully cognisant of the degree of local support for retaining the land as reserve as indicated by the petition lodged with the submission of the Normandale Residents' Association. However, I was delegated to hear submissions and recommend a decision on the provisions of the Proposed Plan Change in accordance with the requirements of the Resource Management Act (as set out later in this report).

Accordingly, I have assessed the proposed plan change to determine whether it is the most appropriate method of promoting the sustainable management of the land in question, having regard to the likelihood that the land is likely to be privately held in the near future. While my assessment took into account the land's recreational, open space, ecological, heritage and landscape values, these had to be weighed against the land's development potential and the enabling philosophy of the Resource Management Act under section 5. Based on the expert evidence before me, I was satisfied that those values were not of such significance as to outweigh or prevail over the need to provide an appropriate long-term land use and development management framework as would be provided by the rules of the General Residential Activity Area.

In this regard, I do not recommend making any changes to the Proposed Plan Change in terms of introducing special restrictions or requirements on the future subdivision, development and use of the land. I anticipate that the resource consent process would satisfactorily address most aspects of any future residential subdivision and development, including the size and design of lots and the relationship of building heights and setback with the adjoining reserve.

A detailed assessment of the proposed plan change is provided in the following report, which draws on the information to support the proposed plan change, the analysis and advice of the Council's Reporting Policy Analyst, the submissions received, the evidence presented to the hearing on 24 August 2010, and other relevant information.

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Plan Change Analysis

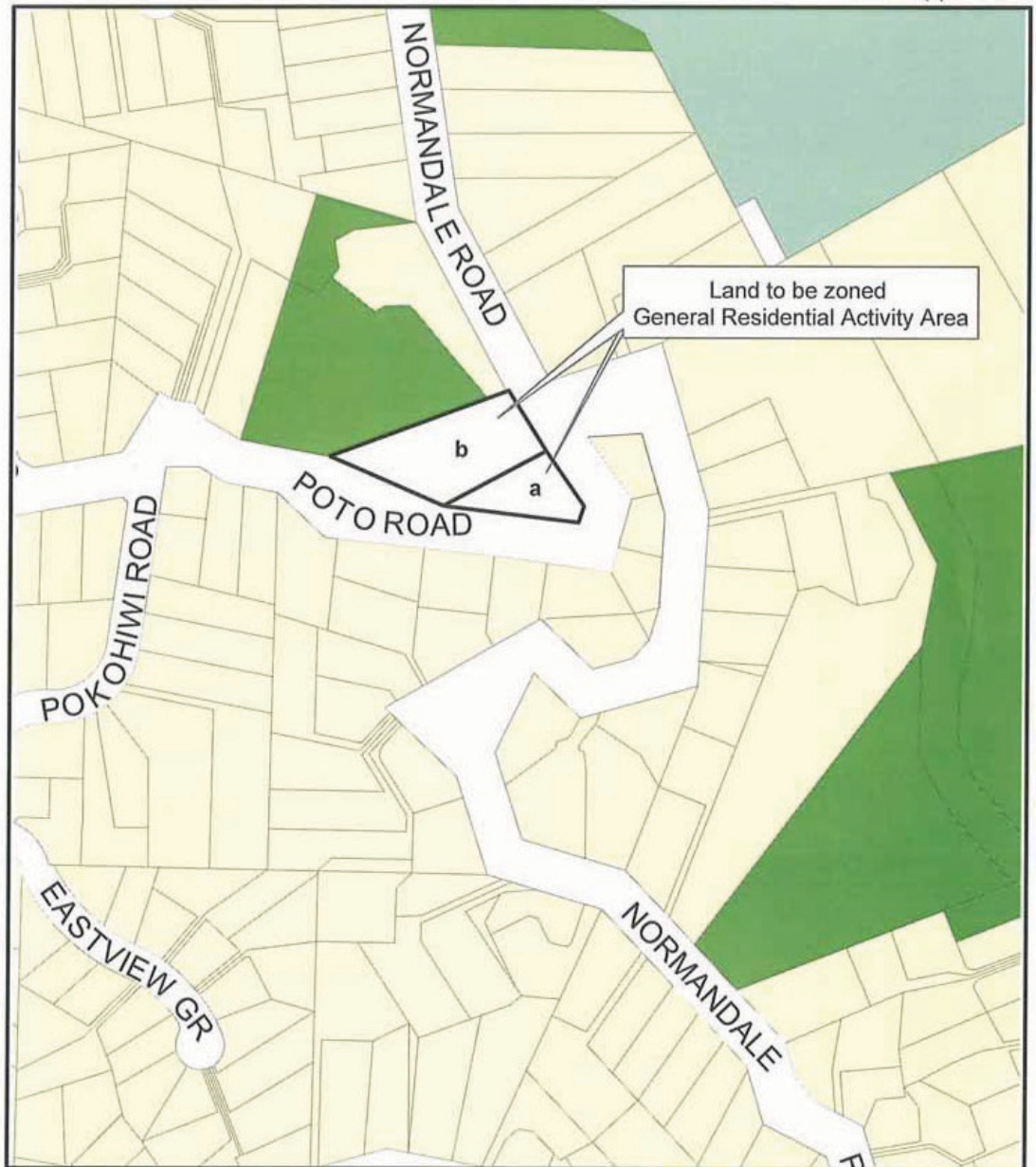
1 DELEGATION AND HEARING

- 1.1 The Hutt City Council (the Council) resolved under section 34A(1) of the Resource Management Act 1991 that I, Robert Schofield, shall have the delegated authority to hear submissions in relation to Proposed Plan Change 15 and to make recommendations to the Council on the provisions of the proposed plan change and matters raised in submissions.
- 1.2 Pursuant to that authority, I conducted a hearing in the Council Chambers on Tuesday 24 August 2010, which commenced at 9.30am, and closed at 2.45pm.

2 THE SITE AND ITS ENVIRONMENT

The Site

- 2.1 Proposed Plan Change 15 proposes to zone two parcels of Council owned land on the corner of Poto Road in Normandale as 'General Residential Activity Area':
 - (a) The southern and smaller of the two lots, on a corner of Poto Road, is a fee simple title legally described as Pt. Sec 93, Normandale Settlement, CT 26B/735, title reference 26B/735, and has an area of 1055m²;
 - (b) The northern and larger of the two lots is legally described as land identified in Gazette Notice 5/11/09, No. 161, p. 3894, and has an area of 2993m².
- 2.2 For the purpose of this report, these parcels shall be referred to as 'the site', which has a total area of 4048m². The two parcels are shown in Figure 1 on the following page.
- 2.3 The site is located on a corner of Poto Road, near its intersection with Normandale Road. At present, the site is vacant and is covered in regenerating native vegetation, although there is predominance of exotic vegetation, such as gorse and wild cherry trees.
- 2.4 The site is on a ridge which rises up from the Hutt Valley. At a maximum elevation of nearly 195m above sea level, the site is elevated well above the Hutt Valley, and is visible from many locations on the valley floor such as from Woburn Road. The site is also visible from a number of locations in Normandale, including from properties of the top end of Normandale Road. However, generally the site is not visible from most residential properties in the suburb because of their location downhill from the site or because of intervening topography, vegetation and buildings.



Proposed Plan Change 15
Land to be zoned General Residential Activity Area
Poto Road, Normandale

- a. Pt Sec 93 Normandale Settlement
- b. Closed Road (Gaz 2009 p 3894)



Scale 1:2500

Figure 1: Map of the two titles proposed to be zoned 'General Residential Activity Area'

The Environs

- 2.5 Adjoining the site to the north is a small Department of Conservation reserve, administered and managed by the Hutt City Council. This reserve has not yet been developed for reserve purposes. The reserve also contains weeds, regenerating native vegetation, as well as some macrocarpa, cherry and pine trees.
- 2.6 The Normandale Playcentre also adjoins the site to the north, occupying the building that was the Normandale School between 1911 and 1937. The driveway to the Playcentre comes off Poto Road, just opposite the intersection with Normandale Road, with its access point located within one of the two titles that are subject to Proposed Plan Change 15.
- 2.7 The site is located within a residential neighbourhood, with residences located downhill of the site to the south and east, and uphill of the site to the north and west.
- 2.8 An aerial photograph and an oblique view of the site and its environs are shown in Figure 2 and Figure 3 respectively on the following page.

3 BACKGROUND TO PROPOSED PLAN CHANGE 15

History of the Site

- 3.1 As described above, the site comprises two legal parcels:
- Parcel A, the southern smaller lot
 - Parcel B, the northern larger lot
- 3.2 Both parcels are owned by the Council, which acquired them in 1983 under the Public Works Act 1981. At that time, Parcel A was described as “land acquired in connection with road pursuant to sections 20 and 50 of the Public Works Act 1981 by the Ministry of Works and Development and vested in the Lower Hutt City Council”, while Parcel B was described as “land acquired for road pursuant to sections 20 and 50 of the Public Works Act 1981 by the Ministry of Works and Development and vested in the Lower Hutt City Council”. However, both lots have neither been used for road purposes, nor are they required for roading purposes. In relation to Parcel B, after a resolution of Council, through the Public Works Act, the road has now been stopped (Gazette Notice 5/11/09, No.161, p.3894), and this title is now held in fee simple. Parcel A is also held as fee simple.
- 3.3 As outlined in the evidence presented by submitters, the site was originally part of the first Normandale School, between 1911 and 1937, when it closed down. The school building is now used by the Normandale Playcentre, which is contained within a separate lot to the north of the subject site. In 1961, the then City Council entered into a land exchange with the Wellington Education Board, to allow the establishment of a new school on a site in Martin Grove.

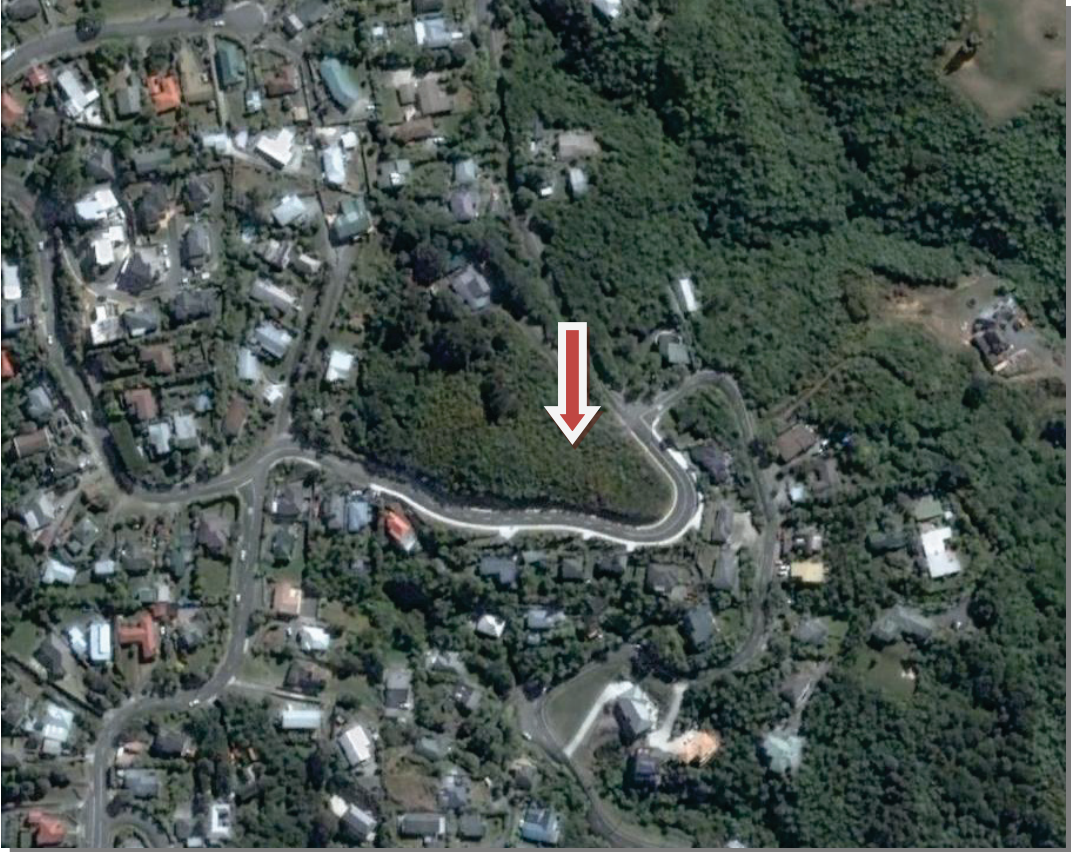


Figure 2: Aerial photograph of land subject to Plan Change 15 (Image courtesy of Google Earth)



Figure 3: Oblique view of site (Image courtesy of Google Earth)

Current District Plan Provisions

- 3.4 Under the operative City of Lower Hutt District Plan ('the District Plan'), both of these lots are not shown as having any zoning, but are shown as being part of Poto Road (as shown on Figure 1).
- 3.5 Under Chapter 14A, Rule 14A(a), which relates to the management of activities within roads, states that:
- The provisions of the activity area in which the road reserve is located shall apply. Where the road reserve is between two different activity areas, the centreline of the road reserve will become the boundary between such activity areas.*
- 3.6 As this rule is worded, it does not apply to the subject sites as these lots do not legally form part of the 'road reserve'. Therefore, the zoning of the adjoining properties cannot apply to the subject site, and there are no rules that apply to the site. I further note that local roads are not designated under the District Plan.
- 3.7 As noted by the Council's Reporting Policy Analyst, Ms Tessendorf, this situation is an unusual anomaly.
- 3.8 In reviewing the history of the site's zoning, the land was zoned *residential* under the 1964 City of Lower Hutt District Scheme. In the 1978 First Review of the District Scheme, the two parcels were zoned *General Residential*, with a dotted line indicating a future road. Under the 1983 District Scheme Review, the land was identified as "proposed road". When the first District Plan under the RMA was notified in 1995, the land was shown as it presently is shown in the planning maps as 'road' and with no zoning.

Background to Proposed Plan Change 15 Process

- 3.9 In 2007, the Council commenced a review of all land it owned in fee simple, including the subject site, with the objective of ensuring that all land owned by the Council is being used for its best purpose. The review included an assessment of the open space contribution that each site makes to the community and City, along with the development potential of the site. The assessments of the two lots were included with the section 32 evaluation for the Plan Change. A sub-committee of the Council reviewed these assessments and made recommendations as to the future of each site - to either reserve the land under the Reserves Act 1977 or to consider releasing it for sale.
- 3.10 As part of its investigations, the Council commissioned an Urban Development and Planning Assessment of each site, which concluded that the site has good development potential, but that the site should be zoned as *General Residential Activity Area* to allow subdivision and development to occur in a manner compatible with the surrounding residential area. To understand its development potential, an indicative development plan was prepared by Tonkin and Taylor, as shown in Figure 4 on the following page. This plan indicated that up to seven lots could be created in accordance with the subdivision standards of the General Residential Activity Area, which has a minimum lot area of 400m².

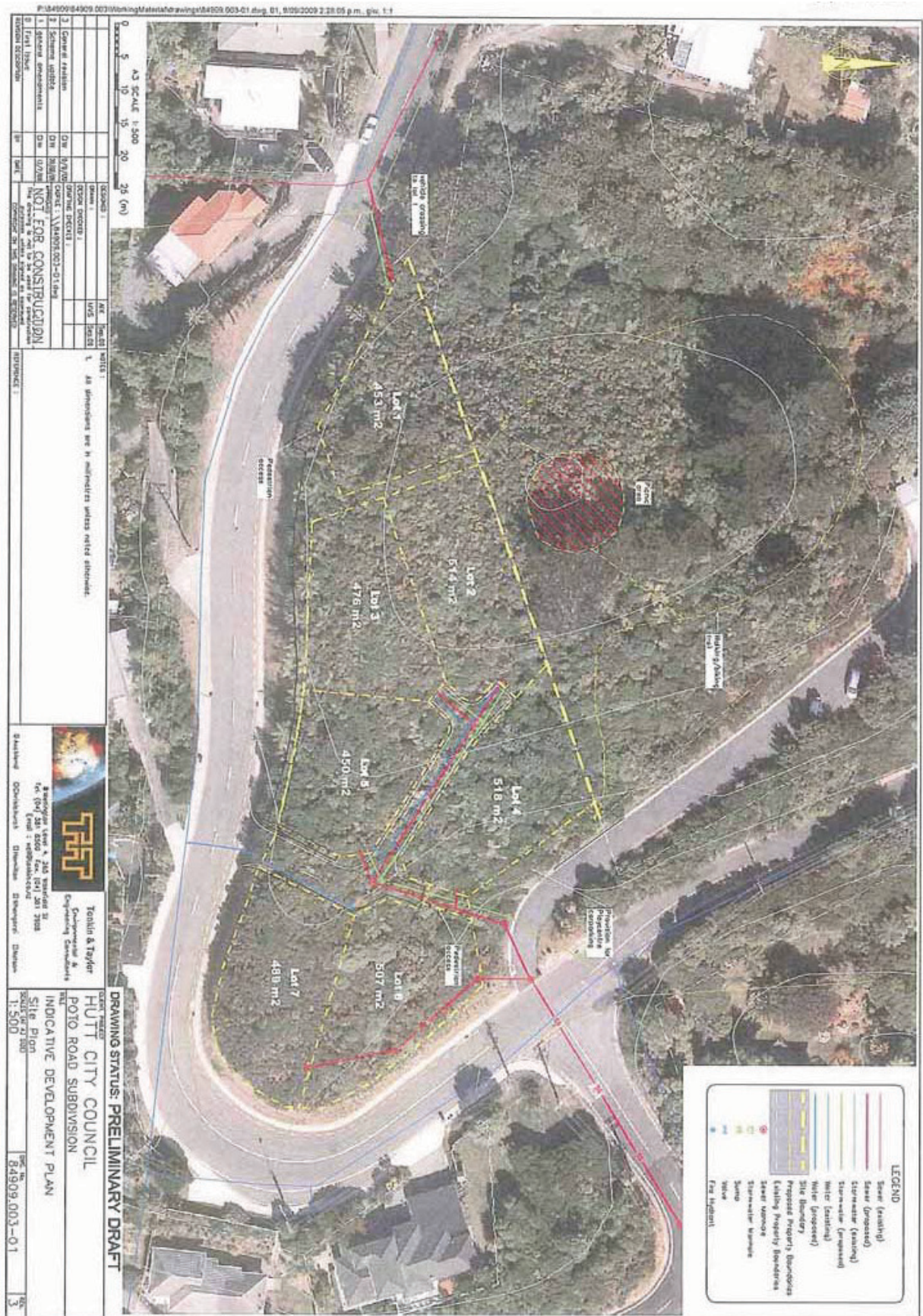


Figure 4: Indicative Development Plan of Poto Road site

- 3.11 In accordance with the Local Government Act, the Council undertook public consultation over the possible disposal of land in May to June 2008. A total of 11 submissions were received on the proposal to dispose the two parcels of land on Poto road; ten objected, while one was ambivalent provided there were no adverse effects on neighbouring properties.
- 3.12 After considering the results of consultation, the Council formally resolved to dispose the subject site on 6 May 2009 (refer to Annexure 3 for the exact wording of the resolution).
- 3.13 As required by the Resource Management Act, a Section 32 evaluation of the proposed plan change was prepared by the Council's Reporting Policy Analyst. The s32 evaluation sought to determine the most appropriate District Plan provisions for the site, based on the Council's decision to dispose the land. This evaluation as informed not only by the two assessments and indicative development plan referred to above, but also by an *Assessment of Open Space and Visual Amenity* prepared by Parks and Open Space Limited (PAOS), a *Preliminary Geotechnical Suitability Assessment* undertaken by Tonkin and Taylor, and an assessment of the *Capacity of Existing Services* by GHD.
- 3.14 The appropriateness of zoning the site as General Residential Activity Area was evaluated against the potential environmental effects of the rezoning, an analysis against other relevant policies and strategies, and an assessment against the principal alternative options. The evaluation concluded that:

The zoning of the land in Poto Road to General Residential will allow the site to be developed in an appropriate efficient manner. The site is presently un-used and the use for which it was acquired (roading) is no longer considered necessary. With its current status under the District Plan (un-zoned) development for any purpose would be difficult. The site has been identified as suitable for residential development and not required or appropriate for open space or recreational use. The General Residential Activity Area zoning is considered appropriate given the size, character and location of the site in relation to other General Residential Activity Area land. The objectives and policies of the activity area are suitable as are the rules which will determine development on the site. [Page 17]

Notification and Submissions to the Proposed Plan Change 15

- 3.15 The plan change was notified on 2 February 2010, with submissions closing on 5 March 2010; a summary of the 10 submissions that were received was notified on 6 April 2010, with the period for further submissions closing on 23 April 2010. A total of four further submissions were received. One of the submissions contained a petition signed by 644 persons opposing the disposal of the site by the City Council.

4 DESCRIPTION OF PROPOSED PLAN CHANGE 15

Purpose of and Reasons for the Proposed Plan Change

- 4.1 The proposed plan change seeks to change the District Plan provisions that relate to the subject site to provide for the development and use of the land for residential development and use. Currently, there is complete uncertainty over the most appropriate use of the site, given that it is not zoned under any of the City's Activity Areas, and is shown as road, even though the land is held in fee simple and is not legal road. There is thus uncertainty about the future management of the land under the RMA, not only for any future owners of the site but also for its neighbours and the local community.
- 4.2 In order to better provide for the proposed land development and use, the proposed plan change seeks to amend the District Plan by amending the planning maps to zone the site to *General Residential Activity Area*, the zoning that applies to all residential properties elsewhere in Normandale under the District Plan. No other changes to the provisions of the District Plan are proposed.

5 SUBMITTERS' ISSUES

- 5.1 The Council received ten submissions on Proposed Plan Change 15, and four further submissions, as follows:

Submitter	Position	Decision Requested	Supported/ Opposed by
Sandra Greig	Supports in part	-	Opposed by Normandale Residents' Association
John Barnett	Opposes	<ul style="list-style-type: none"> Create a reserve 	Supported by <ul style="list-style-type: none"> Grant Roberts Normandale Residents' Association
Helen Lukes	Opposes	<ul style="list-style-type: none"> Create a recreation area 	Supported by <ul style="list-style-type: none"> Grant Roberts Normandale Residents' Association
Normandale Playcentre	Opposes	<ul style="list-style-type: none"> Zone to General Recreation Activity Area 	Supported by <ul style="list-style-type: none"> Grant Roberts Normandale Residents' Association
Jenny Grimmett	Neither supports or opposes	<ul style="list-style-type: none"> Apologise to residents for incorrect impression that seven lots could be developed as of right Resolve all parking and access issues for Normandale Playcentre if sites are on-sold 	Supported in part by <ul style="list-style-type: none"> Grant Roberts Normandale Residents' Association

Submitter	Position	Decision Requested	Supported/ Opposed by
		<ul style="list-style-type: none"> Approve or drop plan change, and treat land as General Residential 	
Rosemary McLennan	Supports	<ul style="list-style-type: none"> Go ahead 	Opposed by the Normandale Residents' Association
Normandale Residents' Association	Opposes	<ul style="list-style-type: none"> To zone site as General Recreation Activity Area To integrate and develop site with the Department of Conservation reserve 	Supported by <ul style="list-style-type: none"> Lower Hutt Historical Society Inc. Grant Roberts
Wellington Tenths Trust	Supports	-	Opposed by the Normandale Residents' Association
Melvin Galletly	Opposes	<ul style="list-style-type: none"> Reconsider zoning, evaluate best options for site in its entirety 	Opposed by <ul style="list-style-type: none"> Normandale Residents' Association Normandale Playcentre
Leanne Killalea	Opposes	-	Supported by <ul style="list-style-type: none"> Grant Roberts Supported by the Normandale Residents' Association

5.2 Concerns raised by submitters included:

- The land would be better used a reserve for children, dog walking, relaxation by Normandale residents
- There is a local expectation and demand that the land would become a reserve
- The proposal would destroy part of Normandale's heritage, with the land being part of the original Normandale School
- The site has ecological value
- Important to retain the site's contribution to the sense of place and the visual and recreational environment within the peri-urban landscape of Normandale, as well as its habitat for wildlife
- Making the land a reserve would better fit the City's *Reserves Strategic Directions*
- The land has a number of high/medium significant features when assessed against the Council's Reserves Land Acquisition/Disposal Guidelines
- The plan change would not maintain Normandale's character and would alter its amenity values

- The removal of vegetation could result in increased water run-off and lead to flooding
- Concerns about the ongoing accessibility and safe use of the Playcentre driveway, which is used for vehicle parking and pedestrian access by parents and young children
- The zoning is unnecessary as the General Residential Activity Area rules already apply to the land
- The information provided to support the proposed plan change was unsuitable and incomplete
- The Council should consider a land swap with the Department of Conservation

5.3 Further information was presented to the hearing on 24 August 2010 by a number of the submitters in support of their submissions. I have taken the evidence presented to the hearing into account in my evaluation of the proposed plan change. The matters raised by submitters are addressed later in this report.

6 REQUIREMENTS FOR CONSIDERING A PROPOSED PLAN CHANGE

6.1 Under the Act, there are a number of requirements for considering a proposed plan change.

6.2 First, under section 72:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

6.3 The purpose of the Act is described under section 5 of the Act as:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6.4 In promoting the purpose of the Act, the Council must consider how the proposed plan change would assist it in undertaking its functions under s31 of the Act:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

- (a) *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:*
 - (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *[Repealed]*
 - (d) *The control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *Any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

6.5 In making decisions on changes to its District Plan, section 74 sets out the matters to be considered by a territorial authority as follows:

- (1) *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any—*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

to the extent that their content has a bearing on resource management issues of the district; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must—

(a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and

(b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition

6.6 Another important consideration to take into account is whether there are any matters under section 6 of the Act that need to be recognised and provided for under the proposed plan change. In regard to Proposed Plan Change 15, the following s6 matters may be potentially relevant:

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(f) the protection of historic heritage from inappropriate subdivision, use, and development.

6.7 Other matters listed under section 7 of the Act may also be relevant considerations, the most potentially relevant matters being:

(aa) The ethic of stewardship:

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

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

(i) the effects of climate change:

6.8 Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account. The notification of this proposed plan change included its direct service to:

- Wellington Tenth's Trust (which lodged a submission of support)
- Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui

6.9 Among the matters to consider under s74(1) of the Act, the Council must consider alternatives, costs and benefits pursuant to section 32 before it can approve a plan change. While a s32 evaluation has already been undertaken, under section 32(2):

A further evaluation must also be made by—

(a) a local authority before making a decision under clause 10 or clause 29(4) of Schedule 1.

6.10 Under s32(3), such an evaluation must examine –

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this 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.

6.11 I note that no objectives are proposed to be included or amended under this Proposed Plan Change 15, and therefore only s32(3)(b) applies to the evaluation of this plan change.

6.12 Under s32(4) –

For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—

(a) the benefits and costs of policies, rules, or other methods; and

(b) 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.

6.13 The purpose of this report is to assist the Council in considering Proposed Plan Change 15 in respect of its duties and functions under the Act, so that, under Clause 29(4) of the First Schedule to the Act –

After considering a plan or change, the local authority may decline, approve, or approve with modifications, the plan or change, and shall give reasons for its decision.

7 EVALUATION OF PROPOSED PLAN CHANGE 15

7.1 In giving effect to section 32(3)(b), I have evaluated Proposed Plan Change 15 for the purpose of determining whether the plan change is the most appropriate for achieving the objectives of the City of Lower Hutt District Plan, having regard to the efficiency and effectiveness of the plan change compared with other methods.

7.2 I would emphasise that no new policies are proposed; the proposed zoning would simply apply the rules of the General Residential Activity Area to the site. Therefore, I must focus my evaluation on whether those rules are the most appropriate method of sustainably managing the land in accordance with the purpose and principles of the Act under Part 2, guided by the relevant objectives of the operative City of Lower Hutt District Plan.

7.3 My evaluation must be based on the Council's decision to dispose (i.e., sell) the land, with the presumption that it will be privately held in the near future. It is not within the scope of my authority to revisit the Council's decision.

- 7.4 The purpose of my evaluation of Proposed Plan Change 15 was two-fold:
- (a) First, to generally determine the appropriateness of the proposed plan change use in terms of promoting sustainable management by reference to the objectives of the District Plan; and
 - (b) Second, to identify whether there are any potential adverse effects from the anticipated development and use of the land that cannot otherwise be avoided, remedied or mitigated through the application of District Plan methods, including the use of development and performance standards and/or the resource consent process.
- 7.5 Having considered the concerns expressed by submitters, the key issues to arise from the proposed plan change relate to:
- The value of the site for recreational and community purposes
 - The ecological values of the site
 - The historic heritage values of the site
 - The effects on landscape, neighbourhood character and amenity values
 - Traffic and roading effects
 - Other matters
- 7.6 In undertaking this evaluation, the key parameter, having regard to the impending sale of the land, is whether the values of the land outweigh its potential for residential purposes and thereby necessitate either the application of an alternative zoning or the imposition of additional restrictions and requirements to protect such values.

Necessity for the Plan Change

- 7.7 Before I evaluate the proposed plan change, I first turn to the question of the necessity of the proposed plan change. It was asserted in the submission from Jenny Grimmett that the rules of the adjoining General Residential Activity Area apply to the land which is identified as 'road' in the planning maps, and that there is therefore no need for the plan change. Ms Grimmett referred to Rule 14A(a) which I quoted in paragraph 3.5 as the basis for her assertion. In response, the Council's Reporting Policy Analyst contended that, as the rule refers to "road reserve", it could not apply to the subject land which is not legally 'road', thus leaving the land unmanaged by any rules in the District Plan.
- 7.8 I concur with the Council's Reporting Policy Analyst in this regard. However, whether or not the subject land could be deemed to be road reserve and the consequential legal status under the Act is, in my opinion, not critical in determining the necessity of the proposed plan change. I have concluded that there is a need to introduce a plan change in that:
- (a) Even if Rule 14A(a) did apply to the land, there would be significant uncertainty as to which part of the land were covered by the rules of the General Residential Activity Area or by the rules of the General Recreation

Activity Area, given the latter zoning adjoins a large part of the land to the north – determining the mid-point of the road and thus which part of the land were managed by which rules would be problematic; and

- (b) Retaining the current ‘road’ notation over the land creates uncertainty for any future land purchasers, and may affect the Council’s ability to dispose the land – it is preferable to ensure a clear and indisputable management framework for the land.

The Value of the Site for Recreational and Community Purposes

7.9 Having weighed the evidence before me, I was not satisfied that the value of the land for local recreation reserve purposes was significant, particularly in regard to other recreational and community assets in the area.

7.10 I accept that the land does have some recreational value, given its location within a residential neighbourhood, and despite the more than 20m change in elevation over the site. However, to extract any benefit from its value would require some modification and loss of regenerating native vegetation on the site. Given its relatively exposed position (noting the comments of a submitter on the windiness of the site), the cost of developing the site for recreational purposes (even with strong community support and input), and the presence of other reserves within Normandale, I find that the recreational and community values of the site are low to medium at best.

7.11 Importantly, there is an existing reserve that adjoins the site, and while its potential as a local recreational reserve has yet to be developed, it has greater value to fulfil that function than the subject site. The reserve has gentler slopes, and has the benefit of containing existing mature trees to provide some shelter. It also contains the high point of the ridge in this locality, with the potential to provide a public viewing point. The reserve is also immediately adjacent to the Playcentre, whose children and staff already access and use the land, as I was informed at the hearing.

7.12 The question of integrating the site with the Department of Conservation reserve to provide a greater potential for reserve development is outside the scope of my authority to address in evaluating Proposed Plan Change 15. The Council has made the decision to dispose of the land, and it is unlikely that any future owners of the land would want to integrate the land with the reserve.

7.13 The expert evidence of Ms Robilliard, the Council’s consultant landscape architect, who has been fully involved in the Council review and assessment of the City’s reserves, is that the provision of further recreation space in Normandale is not considered necessary. She observed that there are six existing open space and recreation reserve areas within 2km of the site:

- The Department of Conservation Reserve immediately to the north
- The open space and reserve lands between Panorama Grove and Normandale Rd (locally known as the Draper Reserve)
- The playing field below Martin Grove (next to the Normandale School)

- The open playing field at Banksia Grove
 - The junior playground at Pekanga Road, and
 - Belmont Regional Park
- 7.14 Two of these areas are less than a kilometre from the site.
- 7.15 Ms Robilliard stated that the neighbouring DoC reserve “could be developed for informal recreational activities such as a small loop track, picnicking, viewing/lookout and small adventure playground within the [existing] trees”. I concur with Ms Robilliard, and consider that this area of reserve is better situated and contains a greater potential to be developed as a neighbourhood reserve than the more exposed and sloping corner site on Poto Road.
- 7.16 While several submitters considered that the Poto Road land would have a wider range of potential recreational uses if it were merged with the DoC Reserve, including a more active self-creating adventure area for older children, I was not satisfied that such potential outweighed the need to provide an appropriate development framework for the land once it is sold.
- 7.17 Several submitters referred to an agreement that the former Lower Hutt City Council made with the Wellington Education Board in 1961 when it agreed to exchange land at Martin Grove for the former school site on Poto Road, so that a new primary school for Normandale could be established. These submitters asserted that this agreement established an expectation within the community that the Poto Road site would be developed for recreation reserve purposes.
- 7.18 In this regard, I would first note that the larger part of the former school site is now vested as reserve, thereby largely fulfilling any expectations. I would also observe that, based on the evidence presented to the hearing, a number of reserves have been created and/or developed in Normandale over the last 50 years, including several established since the review of the Council’s land assets which commenced in 2007.
- 7.19 Notwithstanding these observations, I would re-emphasise that the decision to dispose the land has already been determined by the Council. In assessing the plan change, the principal purpose of my consideration is to determine whether the Proposed Plan Change provides the most appropriate resource management framework for the land, having regard to its likely future ownership and land use expectations. From that perspective, I was not satisfied that the value and potential of the site for reserve purposes is of such significance to diminish the appropriateness of the Proposed Plan Change or to warrant an alternative zoning.
- 7.20 In regard to the potential effects of residential development on the values of the adjoining reserve, I would anticipate that such effects would be taken into account when any resource consent application to subdivide and develop the land is lodged. These considerations should include addressing the effects of building height and siting in regard to the amenity of the reserve including public views. To this end, I am satisfied that the provisions of the General Residential Activity Area and other District Plan provisions are appropriate.

The Ecological Values of the Site

- 7.21 Notwithstanding the exposed location of the site and its relatively small size, I accept that the site does have some ecological values; however, I was not satisfied that these values are significant or warrant protection. The evidence of Dr Blaschke was unequivocal in this regard, whose assessment of the land determined that its ecological values were “very low”, even if it were combined with the reserve. Dr Blaschke further noted that:
- (a) The site is not part of any identified significant natural resource under the District Plan;
 - (b) The accumulative value that site would add to the habitat in the area is very low because of its small size and few large trees;
 - (c) The future ecological potential of the site to become a sustainable forest was limited by its small size (5ha is considered to be the minimum needed) and the adverse effects of the ‘edge effect’ caused by wind, frost and weed invasion; and
 - (d) In terms of restorative efforts, he considered that it would be more effective to spend resources and efforts on other large areas within the area rather than this site because of its poor ability to be an ecological viable unit.
- 7.22 The effects of any future subdivision and development on the ecological values of the land would be addressed in any resource consent application for the subdivision and development of the land. However, given the current low ecological values, I do not find any necessity to impose any additional restrictions or requirements on the land in this regard.

The Historic Heritage Values of the Site

- 7.23 Submitters in opposition to the proposed plan change contended that the site had significant historic heritage values to the local community, emphasising its association with the former school. In support of this contention, the history of the land of the land was usefully presented to the hearing by members of the Normandale Residents’ Association.
- 7.24 Nevertheless, I was not satisfied that these values are significant. The former school building is neither registered by the New Zealand Historic Places Trust nor scheduled as a significant heritage item under the District Plan. While I accept the lack of formal recognition should not affect its intrinsic local heritage values, I do not consider it necessary to retain every part of the former school site to ensure that its local historic heritage values can be protected or recognised; certainly, the retention of the subject site would not make a significant contribution to the overall historic heritage values of the former school.
- 7.25 I would note that the greatest proportion of the former school site is now a reserve, which, in association with the Normandale Playcentre site and building, would ensure that the intrinsic historic heritage values of the school site can be recognised.

Landscape, Neighbourhood Character and Amenity Values

- 7.26 I concur with a number of the submitters who contended the subject land is located on a relatively prominent site, visible from various places on the valley floor, as well as from some of the more elevated properties within Normandale. From some places on the valley floor, such as from the CBD end of Woburn Road, the site is a part of the skyline.
- 7.27 However, my own observations conclude that the site is no more prominent than many of the ridges and high points within the Western Hutt Hill suburbs. From many other locations on the valley floor, the site is either part of the wider backdrop of housing and vegetation or is fully screened by topography, vegetation or existing housing. Similarly, the views of the site from within Normandale/Harbourview are relatively limited. Many of the ridgelines in the area have been residentially developed, including much of the ridge on which the subject site is located.
- 7.28 In this regard, my own observations support the opinion of the Council's consultant landscape architect, Ms Robilliard, who stated in her report that –
- Extending the residential zone further up the ridgeline would fit with the existing pattern of development in the 'Western Hills Identity Area', where residential properties are generally situated on ridgelines, with regenerating gullies and escarpments maintained as reserve land. (Paragraph 72)*
- 7.29 I also accept Ms Robilliard's observation that "the Recreation reserve would remain as a green hilltop, preserving the highest and therefore most prominent point of the ridge as green open space" (paragraph 73).
- 7.30 While any residential development of the land would alter its present visual amenity, particularly to those properties with a view towards the site, such development would not be significantly out of character with the general visual amenity of the suburb and the pattern of housing extending along ridgelines and their slopes. I am satisfied that the residential development of the land would be consistent with the general residential amenity values of the area, and would not be out of character with the neighbourhood.
- 7.31 The indicative development plan for the site was based on the land being subdivided into seven lots, with a short accessway to service a number of the lots (refer to Figure 4 on page 8). The lots range from 453m² to 518m² in size (averaging 487m²); these lot sizes are slightly more than the 400m² minimum lot requirement for subdivision in the General Residential Activity Area. From my experience, this scenario represents a realistic development scheme, particularly when compared to recent residential development in the area.
- 7.32 In her report to the Hearing, the Council's consultant landscape architect, Ms Robilliard recommended the creation of larger lot sizes to allow retention of vegetation on the sites would help to mitigate the effects of residential development on this land, and to provide consistency with the general pattern of existing residential development in Normandale where houses appear to nestle among vegetation. While Ms Robilliard referred to other residential lots in the immediate area as being generally larger than those shown in the indicative development plan,

with lot sizes being around 800m², she did not recommend a specific minimum or average lot size that should be applied to any subdivision and development of the subject land.

- 7.33 While I do not accept the contention from one of the representatives of the Normandale Residents' Association that a complying development of the site would be 'high density', I do accept that a residential development based on the minimum lot area standards of the General Residential Activity Area is likely to exacerbate the visual effects of development on this site, give the site's relative prominence: a cluster of seven large two-storeyed houses could be relatively obtrusive and out-of-character.
- 7.34 Several methods could be considered to address this matter:
- (a) To introduce special restrictions on minimum lot sizes that apply to the site through the Proposed Plan Change - a method referred to as 'scheduling' because the two titles would be scheduled in the District Plan as having specific restrictions imposed on the land in question; or
 - (b) As owner of the titles, prior to their disposal, the Council could impose restrictions on the titles to limit any future subdivision to lots having a larger lot area; or
 - (c) To rely on the resource consent process to address the visual effects of development on the land through the resource consent process, guided by the objectives and policies of the District Plan, the relevant assessment criteria for subdivision and development, and informed by the history of and information relating to Proposed Plan Change 15 (this information will be on Council records pertaining to the two sites).
- 7.35 In terms of method (a), I do not recommend the scheduling of the sites in the District Plan as this method is not good practice for Plan implementation as the restrictions would become redundant once the land has been subdivided.
- 7.36 In terms of method (b), I was not convinced that there was a need for the Council to consider the imposition of a restriction on the titles on future subdivision before they are sold. First, there was no available evidence as to the most appropriate form of restriction or limitation that should be imposed on the size of future lots. Second, the resource consent process would allow for the consideration of a variety of methods other than lot size to manage the visual effects of development, including the scale, setbacks and siting of future buildings, the amount of impermeable surfaces, the use of planting, the design and shape of allotments, and other aspects that would influence the final form and density of development.
- 7.37 In terms of method (c), the matters of discretion under Rule 11.2.3¹ are relatively wide and allow considerable flexibility in the use of alternative methods to manage the intensity and scale of development. As a restricted discretionary activity, ultimately consent could be declined if the Council, as consenting authority, were

1 Subdivision consent as a restricted discretionary activity under Rule 11.2.3 is likely because any development of the land is likely to exceed the earthworks thresholds.

not satisfied that the adverse visual effects of development could not be avoided or mitigated.

- 7.38 Accordingly, I am satisfied that the visual effects of the future subdivision and development of the subject land can be satisfactorily address through the resource consent process, informed by the community's response and concerns expressed through Proposed Plan Change 15.

Traffic and Roading Effects

- 7.39 The only evidence provided on this matter was from the Council's traffic planning consultant, Mr Barclay, who found no reported accident or safety issues with Poto Road in this vicinity. Mr Barclay stated that he had no concerns with the ability of any development of the land to provide safe access on and off the site. He further stated that he had no concerns about the effects of potential additional traffic generated by any development of the land.
- 7.40 I accept his evidence, and find that any effects on traffic and roading that may be generated by the development of the site would be no more than minor.
- 7.41 In respect of the concerns of the Normandale Playcentre in regard to the safety and capacity of its access and parking requirements, I was satisfied that the proposed rezoning would not diminish the ability of the Playcentre's staff, children and parents to safely access and park its site. Any subdivision and development of the subject site would have to comply with the District Plan requirements for access, and any potential interaction with the Playcentre's driveway would be examined and addressed at that time of subdivision and development.

Need for Additional Environmental Management Controls

- 7.42 A range of mitigation measures were recommended on page 7 of the PAOS report dated December 2009, including the treatment of cut faces, pedestrian access to the reserve, and screening planting (noting that a number of these measures related to the development of the reserve itself, which is beyond the scope of this Proposed Plan Change to address). In addition, several other aspects were raised at the hearing, including:
- (a) The height and setback of houses in relation to protecting the amenity values of the adjoining reserve, including its potential to provide a public viewing point at its high point;
 - (b) The use of a planted buffer strip along the boundary with the reserve, either by retaining existing vegetation or through new screen planting;
 - (c) Potential pedestrian access to the reserve; and
 - (d) The form and location of vehicle access onto the site, and potential adverse interaction with the Playcentre's access and parking requirements.

- 7.43 I am satisfied that such matters, as well as any other matters relating to the management of the adverse effects of the future development of the land, would be adequately addressed through the resource consent process at the time of subdivision and land development, and that there is no necessity to introduce any additional special requirements or restrictions through the District Plan.

Conclusions in Regard to Environmental Effects

- 7.44 In sum, I have concluded that:
- (a) While the site does have some environmental values, in terms of its present and future contribution towards the area's landscape, recreational resources and ecology, these values are not of such significance to outweigh the appropriateness of its proposed residential zoning and the necessity to provide for the reasonable development and use of the land; and
 - (b) In general, any potentially significant environmental effects that could occur from the development and use of the use can be satisfactorily addressed through appropriate development and performance conditions, or through the resource consent process to determine the appropriateness of the specific activity or development, including any mitigation measures.

8 POLICY ANALYSIS

Resource Management Act 1991

- 8.1 I find that Proposed Plan Change 15 is consistent with the purpose of the Resource Management Act, in terms of promoting the sustainable management of natural and physical resources. In particular, it would enable future owners of the land to develop and use the land in a manner in which any adverse effects could be appropriately avoided, remedied or mitigated.
- 8.2 There are no section 6 matters of national importance applicable to the Proposed Plan Change. In particular, the land is neither an outstanding natural feature or and landscape, nor does it contain an area of significant indigenous vegetation or a significant habitat of indigenous fauna. Furthermore, the site does not contain any significant historic heritage values.
- 8.3 In terms of the other matters under Part 2, the most relevant matters to which Council must have particular regard to in achieving the purpose of the Act include:
- 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*

- 8.4 I find that the Proposed Plan Change would promote the more efficient use of a finite resource in that the land resource, a serviceable area of urban land that is no longer required for roading purposes, is currently unutilised, and the proposed zoning would allow for its more efficient use.
- 8.5 The application of the *General Residential Activity Area* rules to the land will maintain the amenity values of the surrounding properties, and the quality of the residential environment in which the site is located.
- 8.6 With respect to s8, the principles of the Treaty of Waitangi were taken into account, both in terms of the consultation with local iwi early in the land review process as well as in the notification of the Proposed Plan Change.

Wellington Regional Policy Statement

- 8.7 The Proposed Plan Change is consistent with and would give effect to the objectives and policies of the operative and proposed Wellington Regional Policy Statement in terms of promoting the efficient use of urban land and services, promoting a compact well designed and sustainable urban form and the efficient use of existing infrastructure.

Wellington Regional Strategy

- 8.8 The proposed plan change is consistent with the *Wellington Regional Strategy* (June 2007), which seeks to provide a sustainable urban growth strategy for the Region. The zoning of undeveloped serviced urban land as residential within an existing urban context would promote the consolidation of urban growth, albeit in a relatively minor degree.

Relationship with Council Strategies

- 8.9 The Hutt City Council has a number of strategies and plans that detail the priorities for the City, the most relevant being:
- Reserves Key Directions Strategy
 - Reserve Land Acquisition and Disposal: Policy and Guidelines
 - Urban Forest Plan 2010
- 8.10 The process of reviewing the Council's land assets in terms of fulfilling the Council's Reserve Strategy was outlined in the report by PAOS Limited. While the process was criticised by a number of submitters, the weight of the evidence presented to the hearing confirms that the land has low values in terms of the criteria used to assess the potential of Council's landholdings as reserves.
- 8.11 Reference was made by a submitter to the City Council's Urban Forest Plan, which became effective on 1 January 2010. The Plan addresses four key issues:
- (a) The increasing number of street trees growing under overhead lines, which require heavy ongoing pruning;

- (b) Poor quality and short life expectancy of Council's street trees;
 - (c) Enhancing ecological connectivity between existing natural areas; and
 - (d) Improving the quality and quantity of specimen trees in Council's urban parks
- 8.12 As outlined above, the expert evidence of Dr Blaschke is that the land has very little ecological value, both in terms of its existing vegetation and habitat, but also as a component of the wider ecological functioning of the Western Hutt Hills. Dr Blaschke considered that the accumulative value that the site adds to the habitat of the area is very low because of its small size and few large trees. He also considered that the site's potential future ecological value was low, given the small size of the site, the presence of weed species, and its vulnerability to the 'edge effect' (the effects of wind, frost, weeds and other disturbances).
- 8.13 Therefore the ability of the land to contribute to the enhancing ecological connectivity between existing natural areas is minor, particularly given the presence of the adjoining reserve.
- 8.14 In conclusion, I am satisfied that the Proposed Plan Change is consistent with the relevant Council strategies.

9 FURTHER SECTION 32 EVALUATION

- 9.1 As outlined in paragraph 6.9 of this report, the Council must undertake a further s32 evaluation before it can approve a plan change, over and beyond the s32 evaluation that was undertaken prior to the notification of the proposed plan change. This further evaluation should take into account the matters raised in submissions received, as well as any relevant changed circumstances or new information, including that presented to the hearing on 24 August 2010.
- 9.2 Accordingly, before the Council approves Proposed Plan Change 15, it must examine "whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives." Specifically, in regard to Proposed Plan Change 15, the evaluation must consider whether the proposed zoning of the land is the most appropriate way of achieving the relevant objectives of the District Plan. This evaluation must take into account:
- the benefits and costs of policies, rules, or other methods; and
 - 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.
- 9.3 To assist the Council, I have undertaken a further evaluation of the Proposed Plan Change as outlined below. My evaluation takes into account the s32 evaluation that was undertaken in preparing the Proposed Plan, as well as the additional expert assessments provided to the hearing from Mr Barclay, Ms Robilliard and Dr Blaschke, and the information provided by submitters at the hearing.

Appropriateness of Plan Change for Achieving District Plan Objectives

- 9.4 In reviewing the proposed plan change against the objectives of the operative City of Lower Hutt District Plan, the objectives that are the relevant ones to consider are those that provide guidance on the overarching management of the City's natural and physical resources: that is, those objectives that describe the overall outcomes sought by the City.
- 9.5 I concur with the Council's reporting policy analyst that the most relevant of the Area Wide Objectives to consider 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 1.10.4

Commercial Activity

To promote integrated commercial centres as community focal points.

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.

- 9.6 In respect of Objective 1.10.2, the Normandale area generally comes within the General Residential Activity Area and thus has been identified as a residential environment, with the corresponding character and amenity values.
- 9.7 In determining the appropriateness of the Proposed Plan Change, several factors must be taken into account, drawing on my findings outlined in section 7:
- (a) That it is intended the land be sold in the near future, and thus will be privately held – any zoning therefore must enable future landowners' to have opportunities to develop and use that land in a manner that is appropriate to the site's environmental context;
 - (b) That the land does not contain any significant ecological, recreational or landscape values that should take priority over or restrict future landowners' ability to use the land; and

- (c) Under the rules of the General Residential Activity Area, the land would be able to be developed in a manner that is consistent with the surrounding residential environment.

9.8 In regard to the third factor, it must be noted that any subdivision and/or development of the land for residential purposes is likely to require resource consent as, at the least, a restricted discretionary activity and thus any particular attributes of the land and its context can be taken into account with regard to assessing the effects of any proposed development and imposing appropriate conditions of consent to avoid, remedy or mitigate any adverse effects on the environment.

9.9 Taking these factors into account, I find that the Proposed Plan Change is considered to be the most appropriate option for achieving these objectives, for the following reasons:

- (a) The zoning would be consistent with that of the surrounding area, and any subdivision, development and use of the land would be managed in accordance with the District Plan's objective of maintaining and enhancing the character and amenity values of the surrounding area;
- (b) The proposed zoning over the land would impose already established and tested rules over the future development and use of the site in a manner that is consistent with the rules that manage the subdivision, development and use of the surrounding residential land.
- (c) The plan change would accommodate further residential growth within an established and well serviced residential neighbourhood, and thus promote the consolidation of the existing urban area.
- (d) The site and its location is not suitable for commercial development, and its zoning for such purposes would not promote existing commercial centres as community focal points; and
- (e) While the land could be rezoned as General Recreation, it is neither overly suitable for this use (given its topography, size, vegetation cover, and location on a significant bend on Poto Road), nor demonstrated as being needed for such purposes (given the proximity of several existing open space and recreation facilities nearby, including Belmont Regional Park).

Overall Evaluation of the Appropriateness of Proposed Plan Change

9.10 In weighing all the factors and matters for consideration, I find that the retention of the existing District Plan provisions is not the most appropriate way to provide for the development and use of the site, in that:

- (a) They provide no certainty in regard to the appropriate management framework that should be applied to the land or the environmental outcomes that should be sought;

- (b) The land is no longer needed as road, but is held in fee simple – the continued identification of the land as road is therefore inappropriate; and
- (c) Residential development and use of the land is an appropriate use of serviced undeveloped urban land contained within an established suburb.

9.11 I also find that the General Residential Activity Area provides the most appropriate management framework for the site, given:

- (a) The likely nature of the type of development and use that would be made of the site once it is sold;
- (b) The consistency with the General Residential zoning of the surrounding neighbourhood;
- (c) The objectives and policies of the Zone would provide appropriate and relevant guidance for decision-making in terms of the environmental outcomes that are most appropriate for the site and its context;
- (d) The rules provide appropriate thresholds and conditions for development that would achieve appropriate environmental outcomes for the site and its vicinity.
- (e) Any subdivision and development of the land would require resource consent and the effects of any proposal would be required to address, amongst other matters:

The maintenance of local amenity values

Existing natural features and topography

Historical or cultural significance

Natural hazards

Ecological effects

10 CONCLUSION AND RECOMMENDATIONS

Conclusion

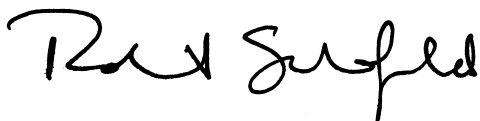
10.1 Proposed Plan Change 15 seeks to zone a 4048m² area of Council-owned land, held in two fee simple titles, on Poto Road, Normandale, to General Residential Activity Area to enable the future subdivision and development of the site for residential purposes.

10.2 The land is currently not zoned under the City of Lower Hutt District Plan, but is identified as road, although the land is no longer legal road and is not required for roading purposes. It is uncertain whether any District Plan rules apply to the land, and, if they do, which rules may apply to which parts of the land. The proposed plan change would remove the current uncertainty regarding the expected use and development of the land, and enable its subdivision and development for residential purposes by future landowners in a manner that is consistent with the character and amenity values of the surrounding residential environment.

- 10.3 Based on my assessment of all pertinent matters, including issues raised by submitters, and evidence presented at the hearing on 24 August 2010, it is my conclusion that the provisions of Proposed Plan Change 15 create an appropriate framework to promote the sustainable management of the subject site in accordance with the purpose and principles of the RMA, in that:
- (a) It would provide for the more efficient development and use of unutilised serviceable urban land, thereby contributing to the consolidation of the City's urban form;
 - (b) It would promote the social and economic wellbeing of the community through the provision for further residential households to be developed in the area, and thereby contribute to the wider community;
 - (c) Any potential significant adverse effects on the environment created through the subdivision and development of the land can generally be satisfactorily avoided, remedied or mitigated through either compliance with development and performance standards and/or through the resource consent process;
 - (d) The quality of the environment, including the amenity values of the area, will be appropriately maintained through the residential development of the land in accordance with the provisions of the General Residential Activity Area; and
 - (e) The Proposed Plan Change is consistent with the operative District Plan, and would enable the Council to effectively fulfil its functions under the Act.

Recommendations

- 10.4 For the reasons outlined in my report, I recommend:
- (a) That, pursuant to section 32(2)(a) of the Resource Management Act, the Hutt City Council adopt the further evaluation of Proposed Plan Change 15 contained within this report and its conclusion that the proposed plan change is the most appropriate means of giving effect to the objectives of the City of Lower Hutt District Plan;
 - (b) That, pursuant to clause 10 of the First Schedule of the Act, the Hutt City Council approves Proposed Plan Change as outlined in Annexure 1; and
 - (c) That the decisions requested by submissions are recommended to be accepted or rejected, in full or in part, for the reasons outlined in this report, and as outlined in Annexure 2.



Robert Schofield
INDEPENDENT HEARING COMMISSIONER
Date: 20 September 2010

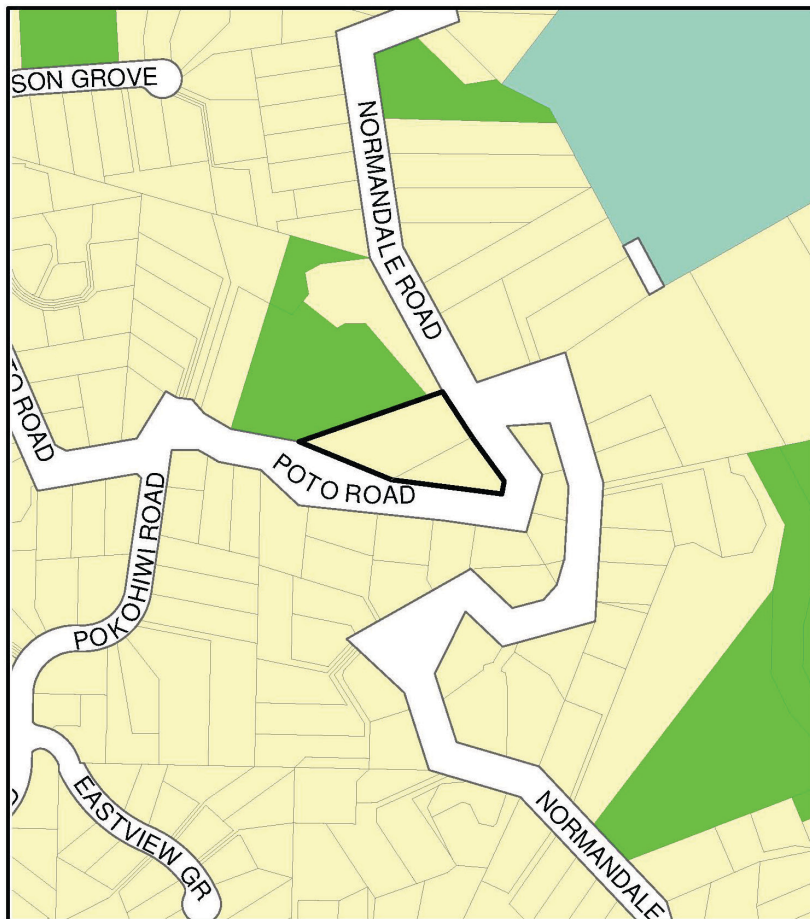
11 ANNEXURE 1 - REVISED PROPOSED PLAN CHANGE 15

Proposed Plan Change 15 as recommended for approval by the Hutt City Council

For the reasons outlined in this report, it is recommended that Proposed Plan Change 15 as outlined below be approved for incorporation into the operative City of Lower Hutt District Plan:

Planning Map B3 within the District Plan shall be amended as follows:

The subject site shall be zoned General Residential Activity Area as shown on the map below:



Proposed Plan Change 15

Planning Map B3 amended to show sites to be zoned
General Residential Activity Area
Poto Road, Normandale



Scale 1:2500



District Plan - City of Lower Hutt

**PROPOSED PLAN CHANGE 15 - POTO ROAD ZONING, NORMANDALE
REPORT BY INDEPENDENT COMMISSIONER TO HUTT CITY COUNCIL**

12 ANNEXURE 2 - RECOMMENDED DECISIONS ON SUBMISSIONS

Submitter	Position	Decision Requested	Supported/ Opposed by	Recommended Decision	Reasons
Sandra Greig	Supports in part	-	Opposed by Normandale Residents' Association	Accept submission; Reject further submission	<p>For the following primary reasons, as well as those others outlined in this report:</p> <ul style="list-style-type: none"> • The proposed plan change would remedy an anomaly in the District Plan in that the two subject freehold titles currently have no zoning, but are identified as 'road', a purpose for which the land is no longer required – thus the proposed plan change would eliminate the uncertainty about the sites' future use and development. • The land that is subject to the proposed plan change does not have any significant ecological, heritage, open space, landscape or recreational values that would necessitate particular limitations on its future use and development, either through an alternative zoning or specific restrictions and requirements. • The loss of open space, ecological and amenity values from the anticipated residential development would be
John Barnett	Opposes	<ul style="list-style-type: none"> • Create a reserve 	Supported by <ul style="list-style-type: none"> • Grant Roberts • Normandale Residents' Association 	Reject submission and further submissions	
Helen Lukes	Opposes	<ul style="list-style-type: none"> • Create a recreation area 	Supported by <ul style="list-style-type: none"> • Grant Roberts • Normandale Residents' Association 	Reject submission and further submissions	
Normandale Playcentre	Opposes	<ul style="list-style-type: none"> • Zone to General Recreation Activity Area 	Supported by <ul style="list-style-type: none"> • Grant Roberts • Normandale Residents' Association 	Reject submission and further submissions	
Jenny Grimmett	Neither supports or opposes	<ul style="list-style-type: none"> • Apologise to residents for incorrect impression that seven lots could be developed as of right • Resolve all parking and access issues for Normandale Playcentre if sites are on-sold 	Supported in part by <ul style="list-style-type: none"> • Grant Roberts • Normandale Residents' Association 	Reject submission and further submissions	

Submitter	Position	Decision Requested	Supported/ Opposed by	Recommended Decision	Reasons
		<ul style="list-style-type: none"> Approve or drop plan change, and treat land as General Residential 			<p>minor, and mitigated by the presence of the existing DoC Reserve, as well as other reserves and recreational areas in the neighbourhood</p> <ul style="list-style-type: none"> The proposed plan change would provide for the residential development of the site in a manner that would avoid, remedy or mitigate the potential adverse effects on the environmental values of the area. The residential zoning of the land would be the most appropriate management framework for land that is likely to be privately owned in the near future, with future landowner(s) expectations that it would be able to be developed and used. The proposed plan change would be consistent with the objectives and policies of the operative City of Lower Hutt District Plan, particularly those relating to the management of the City’s residential environment. The proposed plan change would promote the sustainable management of the future development and use of the land, in accordance with the purpose and principles of the Resource Management Act 1991.
Rosemary McLennan	Supports	<ul style="list-style-type: none"> Go ahead 	Opposed by the Normandale Residents’ Association	Accept submission; Reject further submission	
Normandale Residents’ Association	Opposes	<ul style="list-style-type: none"> To Zone site as General Recreation Activity Area To integrate and develop site with the Department of Conservation reserve 	Supported by <ul style="list-style-type: none"> Lower Hutt Historical Society Inc. Grant Roberts 	Reject submission and further submissions	
Wellington Tenth’s Trust	Supports	-	Opposed by the Normandale Residents’ Association		
Melvin Galletly	Opposes	<ul style="list-style-type: none"> Reconsider zoning, evaluate best options for site in its entirety 	Opposed by <ul style="list-style-type: none"> Normandale Residents’ Association Normandale Playcentre 	Reject submission in part and reject further submissions	
Leanne Killalea	Opposes	-	Supported by <ul style="list-style-type: none"> Grant Roberts Supported by the Normandale Residents’ Association 	Reject submission and further submissions	

13 ANNEXURE 3: RESOLUTION OF HUTT CITY COUNCIL ON POTO
ROAD LAND 6 MAY 2009

ii) Poto Road

RESOLVED:

Minute No. C 090224(2)

“That Council:

- (i) notes that the overall findings of the geotechnical investigations and other work undertaken by Tonkin and Taylor are that the Poto Road property has good development potential;*
- (ii) notes that Tonkin and Taylor investigated two options for the development of the Poto Road property, one a seven lot development and the other a four lot development;*
- (iii) notes that both development options utilise the existing road access to the Kindergarten, which will require detailed design to ensure the safety and efficiency of users, and incorporates a pedestrian access way along the northern boundary of the site;*
- (iv) agrees that the seven lot development plan option be adopted;*
- (v) notes that officers will forward a copy of the approved development plan to the Normandale Residents Association and other submitters to the initial proposal for their information and prepare information for local publication;*
- (vi) notes that officers will approach the Department of Conservation to discuss a limited development of the adjoining reserve land for a cycle track and picnic area as requested by the local community;*
- (vii) agrees that the legal road area of the property (comprising 2993m² being Part Section 93 Normandale Settlement shown as Area A on SO 33438 held in Gazette Notice 1983 page 3017) be stopped and directs officers to initiate the appropriate statutory road stopping procedure and the District Plan change process in conformity with the approved development plan; and*
- (viii) requests officers to obtain a detailed design of the proposal and a revision of costs and returns.”*

Cr Cousins declared an interest and took no part in the voting on the matter.

[<http://www.huttcity.govt.nz/upload/Calendars/4556/Resolutions.pdf>]