

Proposed District Plan Change 22

**6 – 15 KELSO GROVE, KELSON
REZONING OF PART OF THE SITE AS GENERAL
RESIDENTIAL ACTIVITY AREA**

**Publicly Notified:
Submissions Close:**

**24 May 2011
24 June 2011**

Part 1: Introduction

1. What is Proposed Plan Change 22

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

The area proposed to be re-zoned General Residential Activity Area is approximately 1.64 hectares and is generally located within the northern and western portions of the site as shown on the plan in Appendix 1. It is proposed that the balance of the property remain within the General Recreation Activity Area.

No new District Plan provisions, such as objectives, policies and rules, are proposed to be introduced as a result of the Plan Change. The only amendments which would need to be made are to the District Plan maps to reflect the zone change.

2. Reasons for Proposed Plan Change 22

Since 2007 the Hutt City Council (the Council) has been undertaking a review of all the land held in fee simple and managed as reserve throughout Lower Hutt (including some land classified as reserve under the Reserves Act 1977). The objective is to ensure that all Hutt City Council owned land managed as reserve is being used for its best purpose. The review includes an assessment of the open space contribution each site is making to the community and city along with an assessment of the development potential of each property.

The Kelso Grove Recreation Reserve was included in the land review as it was no longer required for the purpose it was acquired for – being classified reserve land for informal recreation activities. The initial assessment deemed the site to have low recreation potential and a further assessment of its development potential concluded it was suitable to be developed for residential purposes under the provisions of the District Plan for the General Residential Activity Area. Consultation was carried out with the local community, pursuant to the Reserves Act 1977, and as a result the Council decided to retain the southern and eastern portions of the site as recreation reserve but dispose of the northern and western portions of the site.

It is the intention of the Council to declare the northern and western portions of the site (as shown on the plan within Appendix 1) as surplus and to be sold for development of housing, subject to the outcome of the Plan Change. In order for this portion of the site to be used for residential purposes it is first necessary to rezone it so that it lies within the General Residential Activity Area. As such, the Plan Change proposes to rezone this part of the site as General Residential Activity Area.

3. Structure of this document

This document contains five parts. These are as follows:

Part 1	Introduction.
Part 2	A copy of the public notice of Proposed Plan Change 22 which will be advertised in the Hutt News on Tuesday 24 May 2011.
Part 3	Identifies the amendments proposed to the District Plan (planning map E2).
Part 4	A copy of the Section 32 Evaluation prepared for Proposed Plan Change 22, as required by Section 74 of the Resource Management Act 1991.
Part 5	A copy of the submission form (Form 5).

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

4. The Process of Proposed Plan Change 22

The process for preparing Proposed Plan Change 22 is summarised as follows:

22 April 2008	A report to the Council's Strategy and Policy Committee sought a resolution to remove the recreation reserve status from a portion of the Kelso Grove Recreation Reserve.
May – June 2008	Consultation is undertaken with the relevant parties (under the Reserves Act 1977) in relation to the proposal to remove the recreation reserve status from the site.
August 2008	Submissions are heard and the objections of the submitters are partially accepted by the Strategy and Policy Committee. Council officers are directed to obtain a geo-technical report investigating the development potential of the site.
26 March 2009	The Land Review Working Group accepts the findings of the geotechnical report and directs Council officers to proceed with removal of the recreation reserve status from the northern and western portions of the site. Council officers are also directed to proceed with a plan change for the site once the Minister of Conservation has given approval to the removal of the reserves status.
28 August 2009	The Minister of Conservation consents to the revocation of the recreation reserve status from a 16,383m ² area of the Kelso Grove Recreation Reserve as identified and agreed to by the Land Review Working Group and shown on the plan attached in Appendix 1.
26 April 2011	Proposed Plan Change 22 is adopted by Council for public notification.
24 May 2011	Proposed Plan Change 22 publicly notified.

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

- The period in which submissions may be made is 20 working days from the date of the Public Notice;
- After the closing date for submissions, Council must prepare a summary of the submissions and this summary must be publicly notified;
- There is then an opportunity for 10 working days after the notification of the submissions to make a further submission in support of, or in opposition to, the submissions already made;
- If a person making a submission asks to be heard in support of their submission, a hearing must be held;
- Council must give its decision on the proposal in writing (including its reasons for accepting or rejecting submissions) following the hearing; and
- Any person who has made a submission has the right to appeal the Council decision on the proposal to the Environment Court.

PUBLIC NOTICE

Public Notification of Proposed District Plan Change 22 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 22: 6 – 15 KELSO GROVE, KELSON RE-ZONING OF PART OF THE SITE TO GENERAL RESIDENTIAL ACTIVITY AREA

Proposed District Plan Change 22 proposes to rezone part of the Council owned land at 6 – 15 Kelso Grove, Kelson (Lot 527 DP 42342, Certificate of Title 517734) as General Residential Activity Area. At present the land is zoned General Recreation Activity Area. The proposed plan change would enable subdivision and development of a part of the site for residential activities to the extent provided for by the provisions of the General Residential Activity Area. The remaining part of the site would be retained as General Recreation Activity Area.

Documentation for Proposed District Plan Change 22 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

If you have any questions please contact Rachel Helme on phone 04 570 6905 or email: rachel.helme@huttcity.govt.nz

Submissions close on FRIDAY 24 JUNE 2011 at 5.00pm

Any person may make a submission on Proposed Plan Change 22. 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

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:

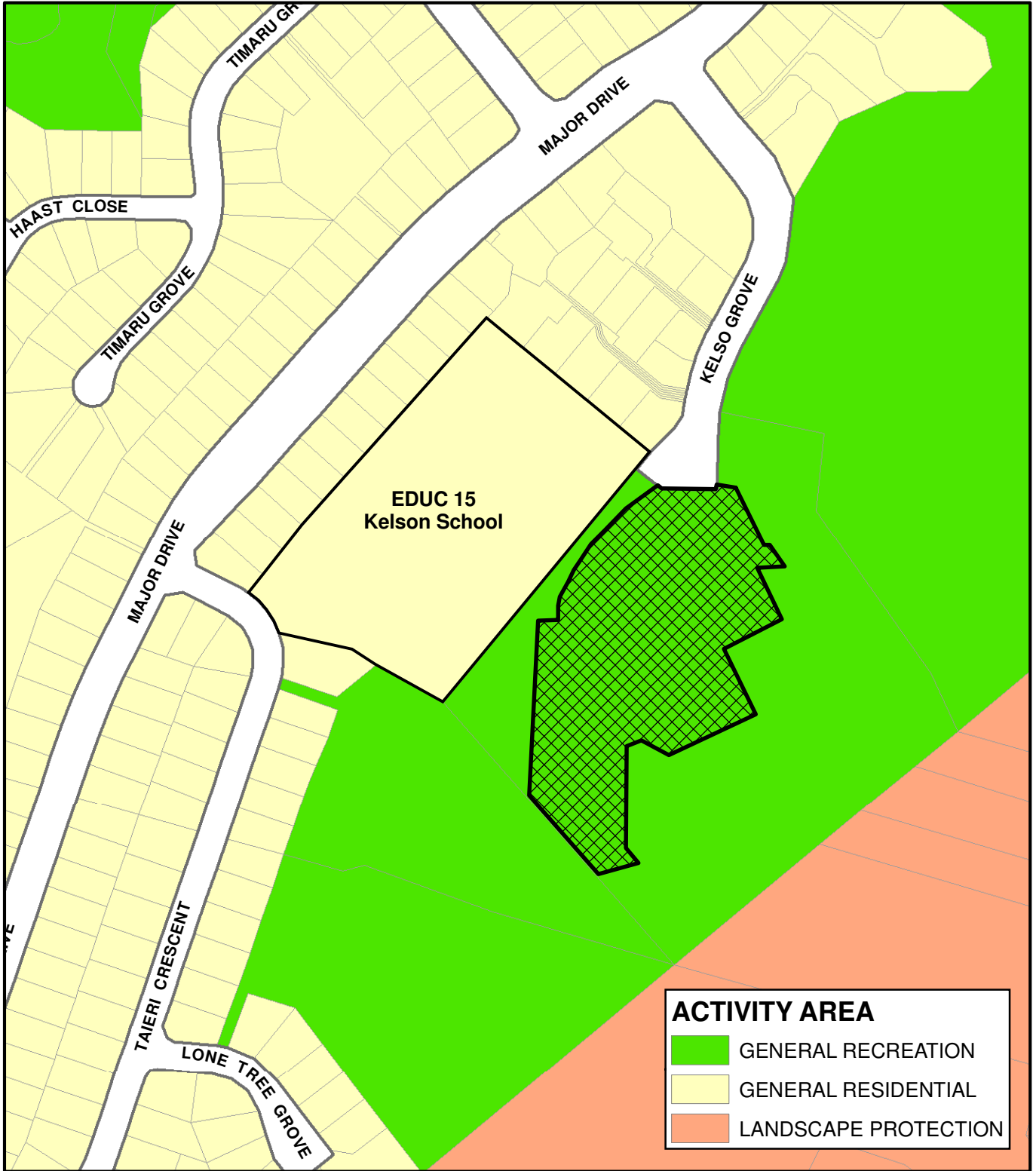
- after the closing date for submissions, Hutt City Council must prepare a summary of the submissions and this summary must be publicly notified; and

- 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

24 May 2011

Part 3: Plan Change 22
Amendments to District Plan Map E2



Proposed Plan Change 22

6-15 Kelso Grove, Kelson (Pt Lot 527 DP 42342)

 Area to be rezoned from General Recreation Activity Area to General Residential Activity Area.

Planning Map E2



District Plan - City of Lower Hutt



Scale 1:3000

1. INTRODUCTION

Prior to the public notification of a plan change Section 32 of the Resource Management Act 1991 (the Act) requires Council to undertake an evaluation of the Plan Change and to prepare a report outlining the basis and outcome of the evaluation. The purpose of the evaluation is to assess the benefits and costs of the Plan Change against the purpose of the Act. Section 32 of the Act states:

(3) 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.*

(4) 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.*

This report, prepared in accordance with Section 32, evaluates the proposal to rezone the northern and western portions of the Kelso Grove Recreation Reserve, which is owned by Hutt City Council, from the General Recreation Activity Area to the General Residential Activity Area. The Section 32 Evaluation will not address the issue of the sale of publicly owned land as this is not a matter which requires consideration under the Resource Management Act 1991.

2. DESCRIPTION OF THE SITE

Physical Description

The site is part of the Kelso Grove Recreation Reserve (recreation reserve) which is located at 6 – 15 Kelso Grove, Kelson. The recreation reserve is situated at the southern end of Kelso Grove and is accessed via a steep, 4 metre wide driveway at the end of Kelso Grove (Appendix 3 contains a locality plan). The recreation reserve is located well below Kelso Grove and is generally not visible when viewed from the wider environment due to the screening associated with the topography of the site. The recreation reserve can be generally described as a flat grassed area bounded by vegetated hillsides.

The portion of the recreation reserve subject to this Plan Change is located within the northern and western portions of the site (Appendix 1 shows the part of the site proposed to be rezoned). This area comprises part of the flat, grassed open space of the recreation ground and the adjoining bush covered slopes to the north and west of the flat area.

The flat grassed area is largely located within the northern portion of the site and represents approximately 50 per cent of the total area which is proposed to be rezoned within this Plan Change. The remainder of the site is moderately to steeply sloping in topography and is covered in a mix of regenerating native vegetation and exotic plant species. The driveway which provides access to the site from Kelso Grove is also located within this area.

Adjoining the site are several large reserves which are covered in vegetation. No changes are proposed to the zoning of the reserve areas adjoining the site; as such they will remain within the General Recreation Activity Area. Kelson School adjoins the north-west boundary of the site. The wider area contains the residential properties of the suburb of Kelson.

Legal Description

The site is legally described as Lot 527 DP 42342 and is approximately 4.2167 hectares in area. The portion of the site subject to the Plan Change comprises 1.64 hectares of the total area of the site.

The property is held in Certificate of Title 517734 and is annotated as recreation reserve subject to the Reserves and Domain Act 1953. The process to remove this registered interest from the portion of the site subject to the Plan Change is well advanced and has the consent of the Minister of Conservation, subject to being formally gazetted.

The site is within the General Recreation Activity Area of the District Plan. The eastern and southern parts of the recreation reserve are situated within Significant Natural Resource 23, identified within the District Plan. This Significant Natural Resource is identified as Kelson Bush which is described as a regionally representative example of relatively unmodified lowland Mahoe forest with large numbers of bird species, including New Zealand Pigeon (Kereru). The portion of the site subject to the Plan Change is not situated within the area identified as Significant Natural Resource 23.

3. HISTORICAL PLANNING REVIEW OF THE SITE

The site was formally part of the Hutt County and was brought into the boundaries of the Hutt City Council in 1973 (along with the rest of Belmont, Kelson, and Haywards). During the 1970's and the early 1980's the suburb of Kelson was formed as a result of a large multi-stage subdivision. It was during this subdivision that the site was formed, along with the other reserve land that bounds the site, as part of the reserves contribution for the subdivision development.

A review has been undertaken of the previous Hutt County District Schemes, Transitional District Plan, Proposed District Plan and the Operative District Plan. Under the Western Hills Scheme, operative in 1988, the site was zoned General Recreation. The site has remained within a General Recreation zoning through successive planning documents being the Transitional District Plan, Proposed District Plan and the Operative District Plan.

The only change which has occurred to the zoning of this site over the years was the addition by the Proposed District Plan, 1995, of a Significant Natural Resource overlay, affecting the southern and eastern portions of the reserve (identified as Significant Natural Resource 23, Kelson Bush, Chapter 14E of the District Plan).

4. BACKGROUND

Since 2007 the Hutt City Council has been undertaking a review throughout Lower Hutt of all the land held in fee simple ownership and managed as reserve (including land classified as reserve under the Reserves Act 1977). The objective is to ensure all Council owned land that is managed as reserve is being used for its best purpose. The review includes an assessment

of the open space contribution each site is making to the community and city along with an assessment of the development potential of each site. The Hutt City Council Strategy and Policy Committee (now Policy Committee) reviews these reports and makes a recommendation on the future of each site. The recommendation is publicly notified, as required under the Local Government Act 2002 or the Reserves Act 1977 (whichever is applicable), and submissions called for from the public. After consideration of submissions the Council makes a decision on each site, such as whether to retain the site as reserve or to revoke the reserve status and consider releasing the site for sale.

In the case of the Kelso Grove Recreation Reserve the intention to remove the recreation reserve status from part of the site was publicly notified in May 2008. At the close of the submission period 28 submissions were received from the community. The submissions were generally opposed to the removal of the reserve status and the disposal of the property.

The submissions were heard at the Strategy and Policy Committee meeting on 17 July 2008. The Strategy and Policy Committee recommended to the Council to revoke part of the Kelso Reserve on the basis that the Land Review Working Group would approve the specific area once they had considered further geotechnical information. The intention would be to retain the recreation reserve status over a portion of the site not suitable for development. The Strategy and Policy Committee also resolved that proceeds from the sale of the land be used to fund improvements to the remaining recreation reserve, such as drainage. The Council resolved to accept the recommendations of the Strategy and Policy Committee at the meeting on 12 August 2008.

On 26 March 2009, after considering indicative subdivision plans for the site (Appendix 2 contains an indicative plan) and an associated geotechnical report (see Appendix 4), the Land Review Working Group noted that the site had good development potential and agreed that a 24 lot development plan be accepted as the preferred option on the basis that it provides more useable open space for a village green. The Land Review Working Group resolved to dispose of the northern and western portions of the site in accordance with the boundaries identified on the indicative subdivision plan (subject to the outcome of the Plan Change). The Land Review Working Group also resolved that the remainder of the site retain its recreation reserve status and be kept as a village green for the recreational use of the community.

The site is currently within the General Recreation Activity Area of the City of Lower Hutt District Plan. Within this zone, any activities which are not generally associated with recreation activities are classified as discretionary activities (including residential development). This Plan Change is seeking to rezone the northern and western portions of the site to the General Residential Activity Area to facilitate residential development. The remainder of the site, not subject to this plan change, will retain its current zone (General Recreation Activity Area).

If the portion of the site subject to the Plan Change is rezoned to be within the General Residential Activity Area, it is anticipated that a 24 lot subdivision could be undertaken on this area, subject to obtaining separate subdivision consent. An indicative subdivision plan has been prepared which shows that a subdivision complying with the minimum allotment design and subdivision standards of Chapter 11 of the District Plan could be designed for the site (see Appendix 2, indicative subdivision plan).

Access to the allotments shown in the indicative subdivision plan could be achieved via the existing access-way on the site, with several smaller rights of way branching off to the east at its southern end. Access would also be provided to the balance of the site which would remain as recreation reserve.

It should be noted that the subdivision plan shown in appendix 2 is only an indicative development to show what could be undertaken on the property, if this portion of the site is rezoned as General Residential Activity Area. The indicative subdivision shown in appendix 2 is not being applied for as part of this plan change process. Any subdivision of the site would be subject to a more detailed design and would require a separate resource consent application.

5. ENVIRONMENTAL EFFECTS

This section considers the potential environmental effects resulting from rezoning part of the Kelso Grove Recreation Reserve to the General Residential Activity Area. An assessment of the potential environmental effects of the Plan Change contributes to the overall evaluation of whether rezoning the site to the General Residential Activity Area is appropriate in terms of achieving the purpose of the Resource Management Act.

The potential environmental effects of the Plan Change discussed below are amenity, character and landscape effects, ecological effects, effects on recreation values, traffic effects, effects on infrastructure and effects relating to land stability and erosion.

Amenity, Character and Landscape Effects

The Plan Change is seeking to rezone the northern and western portions of the site to a General Residential Activity Area. This would enable residential development of this part of the site to a minimum allotment size of 400m², which could give a density of 24 residential lots. These lots would be able to comply with the net site area and shape factor requirements for the General Residential Activity Area.

Rezoning of the site to a General Residential Activity Area, and subsequent residential development, would affect the amenity values and existing character of the site and the surrounding area. Residential development would change the appearance of the site and affect the existing landform and vegetation as a result of earthworks and vegetation removal over some of the site, the construction of houses and roads and the reduction in the size of the grassed reserve area. For example, the indicative subdivision plan for the site shows 15 of the 24 indicative lots located on the bush covered slopes of the site. The creation of residential lots on the two bush covered slopes of the site is likely to involve vegetation removal, earthworks and the construction of retaining walls in order to construct houses in these areas of the site.

The proposed rezoning of the site would extend the existing residential area by enabling the development of housing to the south of Kelso Grove. The provisions of the General Residential Activity Area would enable a density of development that is consistent with the existing residential density in the immediate area and the wider area of Kelson. The existing residential properties in the area are generally between 500 – 600m² in size and contain one detached dwelling.

The permitted activity conditions for the General Residential Activity Area would ensure that houses built on the site would be similar in scale (size and height) to existing housing in Kelson. Permitted activity conditions for buildings in the General Residential Activity Area include a maximum height of 8 metres, minimum yard setbacks and maximum site coverage.

A matter which would also contribute to maintaining the character and amenity values of the existing residential properties in the area is that the portion of the site subject to this Plan Change is not visually prominent. Some properties on Kelso Grove and Mossburn Drive have vistas across the site but generally the low topography of the site would reduce the visual effects of residential development of the site.

The northern and western slopes of the site are covered with vegetation which is likely to be removed, or partially removed, by residential development of the site, if it is rezoned. However, it is considered that the character and landscape values of the area will be maintained given the large amount of vegetation within the local environment which is to remain within the reserve and the relatively low visual prominence of the site.

The existing rules in the District Plan for subdivision, vegetation removal and earthworks will contribute to maintaining the character and amenity values of the surrounding area. Any future subdivision of the site would require resource consent and would be subject to the conditions and standards of the District Plan. Adverse effects of a subdivision and measures to avoid, remedy or mitigate adverse effects are assessed in the resource consent process. A subdivision of the site for residential development is likely to be a restricted discretionary activity if a significant amount of earthworks is required to form roads and retaining walls and to prepare building platforms. Matters that can be addressed when assessing a restricted discretionary subdivision include the effects of earthworks on visual amenity values, construction effects, effects on natural landforms and features, avoidance or mitigation of natural hazards and erosion and sediment management.

The assessment criteria for subdivisions also states that subdivisions should be designed so as to give areas a strong and positive identity by taking into account characteristics of the area and that they should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land (Rule 11.2.2.3 of the District Plan). In this case, factors that should influence the design of future residential development of the site include the character of the adjoining residential areas, the significant vegetation on the steeply sloping hillsides and the proximity to a flat grassed area which is to be retained as reserve.

If the site is rezoned as General Residential Activity Area it is likely that a future subdivision would also seek resource consent to remove vegetation from the site and the effects of the vegetation removal would be assessed at subdivision stage. The existing rules for the General Residential Activity Area limit vegetation clearance to 35 per cent of the area of a site or 500m², whichever is the lesser. Vegetation removal of more than 35 per cent of the site area of the property or 500m² (whichever is the lesser) is a restricted discretionary activity. One of the matters which Council has restricted its discretion to is the effects on the amenity values of the area. It is considered that the potential amenity effects which may arise from continued vegetation clearance on any future properties can be adequately addressed by the existing rules of the General Residential Activity Area.

In considering the character, visual amenity and landscape effects associated with rezoning the northern and western portions of the site to the General Residential Activity Area, it is

recognised that the southern and eastern areas of the site will remain within the General Recreation Activity Area. The retention of a portion of the grassed area as open space reserve and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

Overall, it is considered that the effects of the Plan Change on the environment relating to character, amenity and landscape values can be appropriately addressed by the District Plan.

Traffic Effects

The potential traffic related effects of the Plan Change to rezone part of the site to a General Residential Activity Area and resulting residential development have been assessed. A traffic effects assessment has been undertaken for the Plan Change by Traffic Design Group Ltd (see Appendix 5). This assessment focused on the traffic effects which could result from activities provided for within the General Residential Activity Area being undertaken on the portion of the site subject to this Plan Change, and whether any traffic safety or efficiency effects would arise within the existing traffic environment.

The traffic assessment was prepared on the premise of an indicative 24 lot subdivision of the site (identified in Appendix 2), subject to the approval of the Plan Change. The traffic report has assessed the potential roadway and right of way designs which could be accommodated into a future residential development of the site. With respect to effects relating to transportation, the traffic assessment concludes that subject to appropriate design, the site represents a good location for residential zoning. The traffic assessment concludes that the local roading network would be able to accommodate the extra traffic generated from this level of development without compromising the safety and efficiency of this network. In addition, the site would be able to accommodate appropriate road layout, access and street designs so that there would be no resulting internal traffic safety and efficiency effects resulting from the Plan Change.

Overall, it is considered that the effects relating to transportation will be appropriately addressed by the Plan Change.

Ecological Effects

The area subject to the Plan Change consists of a portion of the flat, grassed surface of the recreation ground which is edged on two sides by regenerating bush on the northern and eastern slopes of the site. An ecological assessment has been undertaken by Blaschke and Rutherford Environmental Consultants to assess the ecological values associated with the site and the actual and potential ecological effects associated with the Plan Change (see Appendix 6).

The ecological assessment advises that the forest vegetation and habitats of parts of the site are of moderate significance in several aspects including:

- The tall mamaku and advanced mahoe-mamaku regeneration present in parts of the site, particularly near the northeast corner of the site, are distinctive and have moderate ecological significance.

- A few individual trees add to the significance of the mahoe-mamaku regeneration, notably the single hinau tree in indicative lot 15, and the tall tarata trees at the base of indicative lots 1 and 2.
- The forest generally is significant because it is located in close proximity to Significant Natural Resource 23 and is wholly within the Kelson Bush/Woodroyd Key Native Ecosystem Programme (A Greater Wellington Regional Council programme controlling possums and rats in the area since 2000).
- The site appears to offer bird habitat to a range of native and introduced species.
- The proximity of the site to a stream habitat directly connected to the Hutt River. The site has the potential to protect the ecological values of this tributary to the Hutt River.

The ecological assessment notes that the ecological values of the site are compromised by a high degree of weed infestation on most of the site.

A potential adverse effect on ecological values from the Plan Change is the loss of some vegetation on the northern and eastern vegetated slopes of the site which would result from development of the site for housing. For example, if a residential subdivision was approved similar to the indicative subdivision shown in Appendix 2, vegetation clearance is likely to take place on indicative lots 1 – 15. Not all of the vegetation in indicative lots 1 – 15 would necessarily be cleared, however the methods for construction and development of these lots has not been investigated in detail at this stage. Associated potential adverse ecological effects resulting from re-zoning and subsequent development of the site include loss of indigenous habitat, increased sedimentation during construction, increase in sealed surfaces and potential for further weed and animal pests from residential lots.

The ecological assessment concludes and that the ecological effects of residential development resulting from the Plan Change will be minor subject to the identified mitigation measures. The mitigation measures identified in the ecological assessment are:

- Removal of the area shown as lot 15 on the indicative subdivision plan from the Plan Change as it includes the best-developed and least disturbed vegetation and a fine specimen of hinau tree. Or retain this area within the Plan Change but, at the time of subdivision, protect the most significant vegetation within indicative lot 15 by placing the house site at the bottom of the hill and placing a restrictive covenant on the vegetation in the upper part and eastern margin of the lot. This is the option chosen in this Plan Change and the significant vegetation is shown in the attachment to the Ecological Assessment in Appendix 6;
- The protection of several tarata trees (Lemonwood) near the base of indicative lot 1 and 2 at the time of subdivision;
- Other measures recommended to be used at the time of subdivision to mitigate adverse ecological effects - the installation of sediment control measures during earthworks on the site; the implementation of a weed control and replanting program; implementing controls on the amount of area which is covered by impervious surfaces; investigating methods to prevent cats from being kept by owners of the future properties resulting from subdivision of the site.

Apart from the removal of the area shown as indicative lot 15 from the Plan Change (which has not been incorporated into the Plan Change), the mitigation measures recommended by the ecological assessment are measures which could be incorporated into a future subdivision of the site.

In response to the ecological assessment the area of significant vegetation in indicative lot 15 has been shown on the indicative subdivision plan. If the site is rezoned General Residential Activity Area, this area of vegetation could be protected by a restricted covenant in a future subdivision.

The other mitigation measures identified in the ecological assessment are matters that can be addressed by existing provisions of the District Plan or could be incorporated into the design of a future subdivision of the site and considered as part of a resource consent application. For example, the assessment criteria for subdivision resource consent applications requires that *“subdivisions be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated”* (Rule 11.2.2.3). As such, the existing District Plan rules for subdivision would enable the adverse ecological effects to be addressed by implementing the mitigation measures identified in the ecological assessment in future resource consents for the site.

Potential adverse effects from sediment runoff as a result of earthworks being undertaken on the site can be addressed by the existing provisions of the District Plan. The District Plan ensures that earthworks exceeding 50m³ or 1.2 metres in height would be assessed as part of a resource consent application for a future subdivision of the site. As part of any resource consent application, erosion and sediment management would be assessed and sediment control measures would be required to be installed to ensure that the effects from sedimentation are avoided, remedied or mitigated.

The ecological assessment also identifies that an increased amount of impervious surfaces could cover the site as a result of future residential development. An increase in hard surfaces can add to the demand put on storm water infrastructure, increase the speed that water reaches water courses and can have other adverse effects on ecological values. The amount of impervious surfaces on residential sites is controlled by the existing rules of the General Residential Activity Area. The permitted activity conditions of the General Residential Activity Area include a minimum permeable surface requirement of 30 per cent (Rule 4A 2.1.1 (f)). This means that if a property was proposed to have an impervious surface area which is greater than 30 per cent of the net site area, resource consent would be required and the effects relating to storm-water runoff would be assessed.

The General Residential Activity Area includes vegetation clearance provisions that would apply to the site if the Plan Change is approved. Within the General Residential Activity Area vegetation clearance is limited to 35 per cent of the area of the site or 500m², whichever is the lesser. If more than 35 per cent or 500m² of the area of a site was proposed to be cleared of vegetation, resource consent would be required as a restricted discretionary activity. One of the matters which the Council has restricted its discretion to, is the effects the vegetation clearance would have on the intrinsic values of the ecosystem. The adverse effects of vegetation removal would also be assessed in any future subdivision resource consent application for the site.

Overall, it is considered that the potential adverse ecological effects from future residential development of the site enabled by the Plan Change can be adequately addressed by the existing rules of the General Residential Activity Area, the Subdivision Chapter of the District Plan and by future resource consent applications. While some vegetation will need to be removed if the site is developed for housing, it is considered that relative to the size of the whole site and adjoining reserves, these areas of vegetation are small and protection of some of the significant vegetation would be able to be accommodated into the design of any future subdivision of the site. In addition, the site proposed to be rezoned to General Residential Activity Area is a small portion of the wider, bush covered reserve area which will remain as recreation reserve.

Overall, it is considered that the effects on the environment of the Plan Change relating to ecological values can be appropriately addressed by the District Plan.

Infrastructure Effects

The proposed General Residential Activity Area would allow for residential development to be undertaken on the portion of the site subject to the Plan Change. A review has been undertaken by Cuttriss Consultants Limited of the services available to the site within the local area (see Appendix 7).

The report investigates the wastewater, stormwater, water, power and telephone services within the local area surrounding the site and their capacity to support the residential development that would be enabled by the Plan Change. The report concludes that future residential development of the site could be appropriately serviced, subject to final design.

It is noted that the report identifies two options for the provision of sewer connections to the site. Option 1 is by gravity connection to an existing sewer main in an adjoining property, which would require approval from adjoining property owners. Option 2 is to construct a pumping station within the site and pump back up to the existing public gravity sewer main at the top of Kelso Grove.

Overall, no issues were identified with the availability and capacity of services to the site and in this respect the General Residential Activity Area is considered to be an appropriate zoning for the site.

Site Stability and Earthworks Effects

Site stability issues have been considered in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment has been undertaken for the site by Tonkin and Taylor Limited to determine geotechnical constraints to residential development (See Appendix 4).

The geotechnical assessment explains the site geology and soil profile. The report explains that the flat central area of the site is an area of uncontrolled fill of variable depths (1 metre to over 5 metres) over the steep contours of the underlying greywacke rock. The vegetated slopes of the site are expected to comprise of a variable thickness of natural colluvium material over weathered rock with some areas of loose fill pushed out over the slopes.

The geotechnical assessment identifies that due to the differing subsoil conditions across the site, and depending on the area being developed, foundations for future dwellings will need to be designed by a suitably qualified engineer. This is not uncommon and would be addressed at the time of any future subdivision resource consent application for the site.

Overall, it is considered that the area of the site subject to the Plan Change has suitable subsoil conditions for residential development, subject to appropriate remedial solutions. For example, in the flat grassed area, the report recommends that residential development will require removing unsuitable fill and, depending on the location, either importing suitable fill or driven timber piles. On the steep, vegetated hillsides of the site (the areas shown as indicative lots 1 – 15 in Appendix 2) the report recommends constructing 3 metre high, 15 metre long retaining walls on the upslope side of each building platform.

If the site is rezoned to General Residential Activity Area, it is likely that future residential development will require a significant amount of earthworks. The construction of housing on the site would involve earthworks, such as to create areas of level land for building platforms and to construct building foundations and roads within the site. Earthworks can have a number of adverse effects on the environment such as worsening hazard potential, land instability and effects on landscape and amenity values.

The District Plan contains rules controlling earthworks which apply to all activity areas, including the General Residential Activity Area. These rules help to manage the adverse effects of earthworks on the environment. The District Plan allows a maximum volume of earthworks of 50m³ and a height of 1.2 metres (Rule 14I 2.1.1). It is likely that the earthworks for the development of the site would be included within resource consent to subdivide the site and would therefore be assessed as a restricted discretionary activity, which includes the assessment of effects of earthworks. The assessment of an application to subdivide the site would also involve assessing effects relating to natural hazards, such as erosion and landslip and sediment management.

Recreational Effects

The recreation values of the site and the effects of the Plan Change on these recreation values has been assessed within the PAOS report dated January 2011 (See Appendix 8). Within this report, it was recognised that the recreation reserve has a low to moderate recreational value due to the relative isolation and poor visibility of the site, the availability of other recreational facilities within the local environment, and the poor drainage of the property.

The site is not currently used for formal recreation purposes. The PAOS report identifies that the site is generally not suitable for development for formal recreation given the size of the useable area of land, the depth of fill on the property and the remoteness of the site from the wider Hutt Valley Area.

The PAOS report generally concludes that the potential future residential development within the portion of the site subject to this Plan Change will improve the recreational values of the balance of the property. While it is recognised that the remaining recreation reserve will be smaller than the existing situation, it will benefit from the Plan Change as a result of the increased natural surveillance which would arise from future dwellings overlooking the

site, as well as from improved drainage (as proceeds from the sale of site would be used by the Council to improve drainage on the balance of the reserve).

It is also recognised that the Plan Change affects a relatively limited portion of the site and that the balance of the property, which is proposed to retain its current General Recreation zoning, is of sufficient size to be able to continue to provide for the informal recreational needs of the Kelson Community. As identified above, the usability of the remaining reserve will improve following improved drainage.

A recommendation has been made within the PAOS report for the creation of a development plan for the remaining reserve area. It is noted that this requirement is outside the scope of the consideration of the Plan Change. A copy of this report has been provided to the Parks and Gardens Division of the Hutt City Council for consideration.

The PAOS report concludes that the effects of the Plan Change on the provision of open space are low and, after development of the area proposed to be retained as reserve, the effects on informal recreation are likely to be positive. Overall, the rezoning of the subject site to General Residential Activity Area would maintain the recreational values of the area and is considered to be appropriate.

Conclusion

Overall, it is considered that the adverse effects on the environment of the Plan Change can be adequately controlled by the provisions of the General Residential Activity Area and the standards and matters for control in Chapter 14, Subdivision, of the District Plan and can be appropriately avoided, remedied or mitigated at the time of residential development of the site.

5. POLICY ANALYSIS

5.1 Resource Management Act 1991

The purpose and principles of the Resource Management Act 1991 are set out in part two, sections 5 – 8 of the Act. An assessment of the Plan Change against part two of the Act is provided below.

Section 5

Section 5 promotes the sustainable management of natural and physical resources. Section 5 states:

“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 to meet the reasonably foreseeable needs of future generations*
- 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.”*

The proposal is considered to be consistent with Section 5 of the Act. The recreation reserve has been identified as having low recreation values due to the isolation of the site and poor drainage of the property. It is generally accepted that the Plan Change does not affect the recreational opportunities available to the Kelson Community. While the Plan Change would reduce the size of the existing reserve land, it would ensure that the quality of the balance of the site is improved through an increase in natural surveillance (which would arise from residential dwellings overlooking the site) as well as improved drainage. It is therefore considered that the Plan Change will enable the community to provide for their social, economic and cultural wellbeing and for their health and safety.

It is considered that the rezoning of this portion of the site to the General Residential Activity Area will result in a density of housing which is consistent with the immediate environment as well as the wider Kelson Community. It is considered that the proposed rezoning to General Residential will maintain the amenity values and character of the local environment. Potential adverse effects from earthworks and the removal of vegetation can be mitigated through a combination of an appropriately designed subdivision for the site and the existing rules pertaining to the General Residential Activity Area.

It is considered that the proposed rezoning of the site is an efficient use of existing utilities and roading infrastructure. In addition, consolidating residential development within the existing urban boundaries avoids the adverse effects that can be created by allowing urban sprawl into the rural area.

Section 6 – Matters of National Importance

Section 6 of the Act sets out the matters of national importance which are required to be recognised and provided for when managing the use, development and protection of natural and physical resources. The proposal is considered to be consistent with Section 6 of the Act for the following reasons:

- The portion of the site subject to the Plan Change is not situated within a Significant Natural Resource as identified within the City of Lower Hutt District Plan. It is however recognised that there is a stand of significant vegetation within the confines of lot 15 as identified on the indicative subdivision plan, but, that given the relatively small area of this vegetation, its protection could be incorporated into the design of a future subdivision of the site.
- The site is not located within a Significant Cultural Resource as identified within the City of Lower Hutt District Plan.
- The portion of the site subject to this Plan Change does not contain a wetland, lake or river, and it is not on the margin of any of these.
- The site is not situated within the coastal environment.
- The portion of the site subject to this Plan Change is highly modified and is not an outstanding natural feature or landscape. It is also noted that given the topography of the surrounding environment, the area to be rezoned to General Residential Activity Area would not be visually prominent when viewed from the local environment.

Section 7 – Other Matters

Section 7 of the Act sets out the other matters which are required to be given particular regard to when managing the use, development and protection of natural and physical

resources. The proposal is considered to be consistent with Section 7 of the Act for the following reasons:

- The area of the site subject to the Plan Change is not visually prominent when viewed from the surrounding area and the density of development which could result would be at a level which is consistent with the character and visual amenity values of the wider environment.
- The Plan Change would generally improve the recreational values of the area to remain as recreation reserve, when compared to the existing situation, through improved natural surveillance and drainage.
- The vast majority of the vegetation on the site is not considered to be significant in the context of the local environment given its relative isolation from the surrounding bush clad hillsides and the large number of pest species of plant within the canopy. It is recognised that there is a stand of significant vegetation within the confines of lot 15 as identified on the indicative subdivision plan. It is considered that given the relatively small area of this vegetation that its protection could be incorporated into the design of a future subdivision of the site.
- The potential traffic generation which would arise from a development as a result of the proposed General Residential Activity Area zoning would be able to be accommodated on the local roading network without compromising its efficiency or safety.
- Existing services within the local environment have sufficient capacity to service future residential development on the site.

Section 8 - Treaty of Waitangi

Section 8 of the Act requires that the principles of the Treaty of Waitangi be taken into account.

The principles of the Treaty of Waitangi have been taken into account in the analysis of this Plan Change. The site does not contain any Significant Cultural Resources which are identified in the District Plan. Consultation has been carried out with the local iwi authorities as part of the statutory consultation during the formation of the Plan Change.

5.2 Regional Policy Statement

The Regional Policy Statement for the Wellington Region 1995 (RPS) sets out the regional direction for resource management. The Act requires that territorial authorities, in their district plans, are not inconsistent with the objectives and policies contained in a Regional Policy Statement.

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

The most relevant objectives and policies to the Plan Change are considered to be within the Ecosystems, Landscape and Heritage and Built Environment and Transportation chapters of the RPS as follows:

Chapter 9 Ecosystems

- Objective 1** *The overall quality of ecosystems in the Region is increased.*
- Objective 2** *Healthy, functioning ecosystems are distributed throughout the Region, including the rural and urban environments.*
- Objective 4** *The Region has a diversity of healthy ecosystems which represent the full range of regional flora, fauna and habitats.*
- Policy 4** *To avoid, remedy or mitigate the adverse effects of activities on ecosystems, and in particular, to avoid, remedy or mitigate any of the following effects:*
- (1) Reduction in the indigenous biodiversity of an ecosystem;*
 - (2) Prevention of the natural processes of an ecosystem, including nutrient cycles and energy flows, from operating effectively;*
 - (3) Simplification of the structure of indigenous ecosystems; and*
 - (4) Reduction in the quality or quantity of the non-living parts of an ecosystem (e.g. decaying plant and animal remains, water, air, soil) to a level which adversely affects the life supporting capacity of the ecosystem.*

Chapter 10 Landscape and Heritage

- Objective 4** *The attributes of natural and physical resources which provide for regional recreational opportunity, and for the appreciation and enjoyment of those resources by the regional community, are maintained or enhanced.*
- Policy 2** *To avoid, remedy, or mitigate the adverse effects of subdivision, use, and development on regionally outstanding landscapes, and nationally and regionally outstanding landforms, geological features, soil sites, and other natural features.*
- Policy 7** *To manage and protect existing recreational opportunities of regional significance.*
- Policy 8** *To promote, on behalf of future generations, the protection of the potential for recreation of open space, indigenous and exotic vegetation, water bodies, the coast, and regionally outstanding landscapes, and any other regionally or nationally outstanding natural features.*

Chapter 14 Built Environment and Transportation

- 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.*
- Policy 8** *To promote a high level of environmental quality in urban areas by:*
- (1) Encouraging good urban design;*
 - (2) Enhancing and protecting amenity values; and*
 - (3) Maintaining and enhancing natural areas and protecting those places, features or buildings with significant heritage, ecological, cultural or landscape values.*

It is considered that the Plan Change is consistent with the objectives and policies of the Regional Policy Statement.

The RPS seeks that the quality of ecosystems is increased and that activities avoid, remedy or mitigate adverse effects on ecosystems. The Plan Change will enable residential development that will involve the clearance of vegetation from some of the site. It is considered that the potential ecological effects associated with the Plan Change can be adequately addressed either at the time of subdivision (such as by protecting the significant vegetation within indicative Lot 15 by covenants) or can be addressed by the existing rules of the General Residential Activity Area (which limits the areas of vegetation clearance and impervious surface cover on a site and requires resource consent for earthworks over a certain level).

The RPS seeks that regional recreational amenity values are maintained and enhanced. The Kelso Grove Recreation Reserve is a relatively small area of land which is not recognised as being a regionally significant recreational ground. Furthermore, this property has been identified within the PAOS report in Appendix 8 as having relatively low to moderate recreational values due to the isolation of the site and poor drainage.

The Plan Change will generally improve the recreational values of the balance of the property which is not subject to this Plan Change. The proposed General Residential Activity Area zoning would allow for residential dwellings to be constructed which would improve the natural surveillance over the balance of the property. The usability of the remaining recreation reserve would be improved through new drainage, funded from the proceeds of the sale of the site. Given these factors, the Plan Change is considered to be consistent with the objectives and policies pertaining to Landscape and Heritage identified within the RPS.

In relation to the built environment and transportation, the RPS promotes development which uses resources efficiently, maintains and enhances urban areas and avoids, remedies or mitigates adverse environmental effects. The portion of the site which is subject to this Plan Change is situated within a largely residential area and can be serviced using the existing infrastructure. The site has good connectivity to main transports links (State Highway 2) and the local roading networks are able to accommodate the additional traffic generated by residential development of the site without affecting traffic safety and

efficiency. Overall, it is considered that the Plan Change is consistent with the objectives and policies relating to the built environment and transportation.

Overall, it is considered that the Plan Change is consistent with the objectives and policies of the RPS.

5.3 Proposed Wellington Regional Policy Statement

The Proposed Regional Policy Statement (Proposed RPS) was notified in early 2009 with a decision on submissions being made in May 2010. The Proposed RPS is currently subject to several appeals within the Environment Court.

The most relevant objectives and policies of the Proposed RPS to the Plan Change are considered to be as follows:

3.6 Indigenous Ecosystems

Objective 16 *Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.*

Policy 22 *Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.*

Policy 23 *Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.*

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

3.7 Landscape

Objective 17 *The region's outstanding natural features, and landscapes, are identified and their values protected from inappropriate subdivision, use and development.*

Policy 25 *Protecting outstanding natural features and landscape values – district and regional plans.*

Objective 17A *The region's significant amenity landscapes are identified and their values are maintained and enhanced.*

Policy 27 *Managing significant amenity landscapes values – district and regional plans.*

3.9 Regional Form, Design and Function

Objective 21 *A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*

- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (h) integrated public open spaces;*
- (k) efficiently use existing infrastructure (including transport network infrastructure); and*

etc

Policy 32 *Supporting a compact, well designed and sustainable regional form.*

It is considered that the Plan Change is consistent with the objectives and policies of the Proposed RPS. The reasons for this are similar to those discussed above in relation to the operative Regional Policy Statement.

Particular consideration has been given to the objective and policies relating to the protection of indigenous ecosystems and habitats. Policy 22 seeks that indigenous ecosystems and habitats with significant indigenous biodiversity values be identified. Policy 22 contains criteria including (a) representativeness: high representative values are given to particular ecosystems and habitats that were once typical and commonplace in a district or in the region, and (i) are no longer commonplace (less than 30% remaining); or (ii) are poorly represented in existing protected areas (less than 20% legally protected).

Policy 46 seeks that effects are managed on indigenous ecosystems and habitats with significant biodiversity values when district plan changes are being considered. Policy 46 seeks that particular regard be given to (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats and (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats.

The areas of vegetation within the Plan Change site adjoin Significant Natural Resource 23, identified as Kelson Bush within the District Plan. The ecological assessment carried out for the site has identified that the bush within the site is of moderate significance and has recommended that parts of the area be protected. This Plan Change proposes that the necessary protection of the significant areas of bush can occur at subdivision stage when the site is developed.

With regards to objectives and policies relating to regional form, the portion of the site subject to this Plan Change is situated within an urban environment and can be serviced using existing infrastructure. The Plan Change is considered to be consistent with objective 21, which encourages a compact urban form, as the development of this part of the site for residential purposes would be an efficient use of the land resource.

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

5.4 The Wellington Regional Strategy

The Wellington Regional Strategy (WRS) is a sustainable growth strategy that has been developed by the nine local authorities within the Greater Wellington Area, in conjunction with central government, and the region's business, education, research and voluntary sector interests. The Community Outcomes of the WRS relevant to the Plan Change are healthy environment, quality lifestyle and sense of place.

It is considered that the Plan Change is consistent with the Community Outcomes within the WRS.

5.5 Consistency with Surrounding District Plans

Section 74(2) (c) of the Act requires Council to consider the extent to which this Plan Change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

The Plan Change involves a small area of land which is located well within the boundaries of the City of Lower Hutt. It is considered that the Plan Change will have no affect on the plans or proposed plans of adjacent territorial authorities and will not be inconsistent with them.

5.6 City of Lower Hutt District Plan

5.6.1 Area Wide District Plan Objectives

Chapter 1 of the City of Lower Hutt District Plan identifies the area wide objectives which the District Plan seeks to achieve. The area wide objectives which are considered to be relevant to the Plan Change are as follows:

1.10.1 Resource Management and the Tangata Whenua of Lower Hutt

Objective

To respond to the principles of the Treaty of Waitangi and other matters of significance to the tangata whenua as specified in the Act.

Policies

- (a) To have particular regard to tangata whenua's desire to carry out kaitiakitanga.*
- (b) To protect waahi tapu and sites of cultural or historical significance to tangata whenua from desecration or disturbance.*
- (c) To recognise and protect the tangata whenua desire to maintain and enhance their traditional relationship with the environment.*
- (d) To consult with the tangata whenua when discharging functions and duties under the Act.*

1.10.2 Amenity Value

Objective

To identify, maintain and enhance the character and amenity values of the different activity areas.

Policy

To identify within all activity areas the general character and amenity values of that activity area.

1.10.3 Residential Activity

Objective

To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.

Policy

- (a) To provide opportunities for gradual intensification of residential densities by:
 - (i) Enabling higher densities along major transport routes and near suburban focal points,**

- (ii) *Providing for infill development throughout the established residential areas to appropriate minimum standards, and*
- (iii) *Managing the rate at which land at the periphery of the urban area is developed for residential purposes.*

1.10.6 Open Space and Recreation

Objective

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.

Policies

- (a) *To ensure the adequate provision of open space for the passive recreational needs of the community.*
- (b) *To ensure adequate provision of larger open space areas for active and passive recreation.*
- (c) *To ensure the protection and enhancement of areas of special recreation amenity.*
- (d) *To ensure the conservation of natural and heritage features and landscapes.*

1.10.9 Significant Natural Cultural and Archaeological Resources

Objective

To protect significant natural, cultural and archaeological resources from inappropriate subdivision, use and development.

Policies

- (a) *To identify resources that are considered to be of significance.*
- (b) *To protect identified areas of significance from inappropriate subdivision, use and development by ensuring activities in these areas are managed.*

The Plan Change is considered to be consistent with the above Area Wide Objectives and Policies of the District Plan. The Area Wide Objectives and Policies of the District Plan recognise that properties within the General Residential Activity Area are readily able to be developed either as a result of their natural topography, or as a result of bulk earthworks undertaken as part of the subdivision which created those properties. While some of the application site is sloping, there are many examples on the eastern and western hills of properties which have a slope angle which is similar to that of the subject property and are also within the General Residential Activity Area. It is therefore considered that the General Residential Activity Area is appropriate for the topography of the application site, and it is also consistent with the zoning of other properties within wider Lower Hutt which have similar attributes.

It is also recognised that the site is located in an established residential area which is serviced by existing infrastructure and social, recreational and cultural facilities (such as Kelson Primary School, the local church and the shops situated on Major Drive). The application site is located close to State Highway 2 and the local roading network will be able

to accommodate the additional traffic flow which could result from a future subdivision of the site. Given these factors, it is considered appropriate to apply the General Residential Activity Area to the northern and western portions of the site which would allow for the maximum development potential to be realised while allowing for further consolidation of an existing established residential area.

It is recognised that the Plan Change would result in the loss of an area of recreational land from Kelson. The area of the site not subject to this Plan Change will remain within the General Recreation Activity Area and is largely flat and of sufficient size to accommodate a variety of recreational opportunities. It is also noted that other recreational opportunities are available within the local environment (such as the Belmont Recreational Reserve and Kelson Playground). Furthermore, it is likely that any potential future residential development of the site would improve the usability of the reserve as there would be an increase in natural surveillance arising from residential dwellings overlooking the site. Given these factors, the Plan Change is not considered to be detrimental to the provision of open spaces and recreational values within Kelson.

Overall, it is considered that the Plan Change will contribute to achieving the Area Wide Objectives and Policies of the District Plan. It is considered that rezoning the site to the General Residential Activity Area will achieve a balance between maintaining the amenity values and character of the local environment while allowing for the development potential of the site to be met. It is considered that maintaining the status quo will not be as effective or efficient in achieving these Area Wide Objectives and Policies.

5.6.2 Specific District Plan Objectives and Policies

The Plan Change is considered to be consistent with the relevant objectives and policies pertaining to the General Residential Activity Area and the General Recreation Activity Area of the City of Lower Hutt District Plan. The objectives and policies of the General Residential Activity Area and the General Recreation Activity Area which are considered to be relevant to this proposal are as follows:

General Residential Activity Area

4A 1.1.1 Residential Character and Amenity Value

Objective

To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.

Policies

- (a) That opportunity be provided for a diversity of residential activities.*
- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.*
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.*

- (f) *That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the intrinsic values of ecosystems.*

4A 1.2.1 Building Height, Scale, Intensity and Location

Objective

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.

Policies

- (a) *To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.*
- (c) *To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*
- (d) *To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*
- (e) *To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) *To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*
- (g) *That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.*

General Recreation Activity Area

7A 1.1.1 Adverse Effects of Recreation Activities on Adjoining Residential Activity Area

Objective

To ensure that recreation activities have adverse effects, which are no more than minor on adjoining residential activity areas.

Policies

- (a) *To ensure that recreation activities are of a scale and character that amenity values of adjoining residential activity areas are not affected adversely.*
- (b) *To ensure that adverse effects, such as noise, glare, light spill and odour, generated by activities in the General Recreation Activity Area, are managed to ensure that residential amenity values are maintained.*

It is considered that the provisions of the General Residential Activity Area are appropriate for the site in terms of achieving the purpose of the Act, in that the provisions of the General Residential Activity Area will provide for the sustainable management of the natural and physical resources of the site. It is appropriate that the remainder of the reserve stay within the General Recreation Activity Area.

No changes are proposed to the objectives, policies and rules of the General Residential Activity Area as part of this Plan Change. Having regard to their efficiency and effectiveness,

it is considered that the existing policies and rules for the General Residential Activity Area are the most appropriate for achieving the objectives and it is appropriate that they be applied to the site.

It is considered that the rules within the General Residential Activity Area, along with the general rules of the District Plan, are sufficient to ensure that the amenity values and character of the site and the surrounding area are maintained and that any adverse effects on the environment are avoided, remedied or mitigated.

5.7 Other Strategies and Plans

The Hutt City Council has a number of strategies and plans that detail the priorities for the City, namely:

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

The Plan Change is considered to be consistent with the outcomes sought under the above strategies and plans.

5.8 Consultation

Between May and June 2008, consultation was undertaken with the relevant parties in relation to the removal of the recreation reserve status from the site in accordance with the requirements of the Reserves Act 1977. The actions which were undertaken as part of this process included:

- Formal advertisement in the Hutt News of 6 May 2008 regarding possible disposal of park lands.
- Article on the proposals for possible disposal or part disposal of six properties was published in the Hutt Views on 6 May 2008.
- Letter and reports sent to 14 organisations (including resident associations) identified as having a possible interest in the proposals.
- Letter sent to land owners/tenants adjoining the land identified for possible disposal.
- Information posted on the Council's website.

A total of 28 submissions were received regarding the revocation of the recreation reserve status from the site, with 25 opposing, 2 neutral and 1 party supporting. The majority of the submitters were primarily concerned about the potential loss of the recreation opportunities which would occur if the entire site was developed for residential purposes. Many of the submitters recognised the site as being one of the largest flat areas of reserve land within

Kelson and were concerned that its development for residential purposes would limit the potential recreation opportunities within the local area. Many of the submitters thought that improved signage and drainage of the land would result in the site being used on a more frequent basis.

Other issues which were identified as part of this consultation process included the potential ecological, slope stability, infrastructure and visual amenity effects which could arise if the site was developed for residential purposes.

As a result of consultation the proposal was revised so that only part of the reserve is proposed to be rezoned to the General Residential Activity Area with the remainder to remain in the General Recreation Activity Area and funds from any sale of residential land used to improve drainage in the remaining reserve.

On 5 May 2009, the Divisional Manager of Parks and Gardens wrote to the Department of Conservation requesting that the Minister of Conservation remove the recreational reserves status from the portion of the application site subject to this Plan Change. On 28 August 2009, a response was received which confirmed that the Minister of Conservation consented to the removal of the recreational reserves status from that portion of the property, subject to the area being formally surveyed.

Consultation has also been carried out with the following statutory authorities in accordance with the Schedule 1 of the Resource Management Act, 1991:

- Ministry for the Environment.
- Greater Wellington Regional Council.
- The relevant local iwi authorities.
- Neighbouring territorial authorities.

6.0 EVALUATION OF OPTIONS

The Plan Change is seeking to rezone the northern and western portions of the site to the General Residential Activity Area. The General Residential Activity Area is the most common zone within Lower Hutt and covers large areas of the valley floor as well as parts of the eastern and western hills. The properties within the General Residential Activity Area contain a wide variety of residential development and include single residential dwellings through to higher density multi storied residential apartments. While the majority of the properties within the General Residential Activity Area are flat, there are a large number of examples of sites (on both the eastern and western hills) which have a topographic profile which is similar to that of the application site.

Four principal options for the site have been explored as part of the preparation of the Plan Change. These options include

- Status Quo (do nothing);
- Zone the portion of the site subject to this Plan Change to the General Residential Activity Area;

- Zone the portion of the site subject to this Plan Change to the Medium Density General Residential Activity Area (referred to as high density in the Operative District Plan);
- Zone the portion of the site subject to this Plan Change to the Hill Residential Activity Area;

As noted previously, the Council’s decision to sell publicly owned land is not a relevant matter for consideration in terms of the Resource Management Act 1991, or the assessment undertaken in accordance with Section 32 of the Act. Accordingly the 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 development) subject to the outcome of this Plan Change Process.

The cost and benefits of these options are discussed below.

OPTION	EVALUATION
<p>Option 1:</p> <p>Status Quo</p> <p><u>NOT RECOMMENDED</u></p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Avoids the costs associated with the plan change process • The entire site remains within the General Recreation Activity Area and therefore the type of activities which can be undertaken on the site are restricted. • The existing character of the subject property is maintained. <p><u>Costs:</u></p> <ul style="list-style-type: none"> • The reserve land would remain under utilised and any improvements to the drainage or surface would be dependant on funding from future Council budgets. • There would be no improvement to the safety of the reserve. • The portion of the site subject to this Plan Change is no longer needed for the reserve purpose, which it was acquired for, and it will remain under utilised if it is not rezoned. • Any potential future residential development of the site would be assessed against the provisions of the General Recreation Activity Area and would require resource consent as a discretionary activity.
<p>Option 2:</p> <p>Zone the portion of the site as General Residential Activity Area.</p> <p><u>RECOMMENDED</u></p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Results in a zoning which is consistent with the character of the existing residential development in the area; • The zoning allows for a level of residential development which would result in an efficient and effective utilisation of the resource. • Would improve the perceived safety of the remaining recreation reserve by allowing for residential development which would overlook this land and thereby improve safety for the users. • Allows for residential growth within an existing urban area, thereby containing urban development. • Improves the quality of the remainder of the recreation reserve

	<p>land due to the new drainage which would be funded from the proceeds of any potential sale of the site.</p> <p><u>Costs</u></p> <ul style="list-style-type: none"> • The costs associated with the Plan Change process. • Loss of an area of recreational ground from the Kelson Community; • A reduction in visual amenity values as the hillside is developed over time. • Ecological effects as a result of future vegetation clearance.
<p>Option 3</p> <p>Zone the portion of the site as Hill Residential Activity Area.</p> <p><u>NOT RECOMMENDED</u></p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Results in a low density development which would place less pressure on the local infrastructure and roading network. • A larger proportion of the site would be likely to remain vegetated as there would be fewer sites. <p><u>Costs:</u></p> <ul style="list-style-type: none"> • Low density development is a less efficient use of the property as it reduces the number of potential residential lots; • Reduced revenue from the sale of the sites which could be used to fund reserve improvements.
<p>Option 4</p> <p>Zone the portion of the site as the Medium Density General Residential Activity Area.</p> <p><u>NOT RECOMMENDED</u></p>	<p><u>Benefits</u></p> <ul style="list-style-type: none"> • Potential for a larger number of lots to be developed within a Medium Density General Residential Activity Area (referred to as high density in the Operative District Plan). <p><u>Costs</u></p> <ul style="list-style-type: none"> • The resulting density of development would not be consistent with the character of the wider residential area, which is in the General Residential Activity Area; • There may not be sufficient services and facilities within the local environment to support medium density development; • The topography of the site is less conducive to a higher density of development; • The effects on the environment, such as visual and ecological effects, of a higher density of residential development would be greater than development enabled by the General Residential Activity Area.

6.1 The Risk of Acting or Not Acting

Section 32 (4) (b) of the Resource Management Act 1991 states:

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

(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.

In considering the proposal against Section 32 (4) of the Resource Management Act 1991, it is considered that the Council has sufficient information to consider this Plan Change.

7. SUMMARY

The land review undertaken by the Council concluded that the Kelso Grove Recreation Reserve was no longer required for a recreation reserve. This Plan Change is seeking to rezone the northern and western portions of the Kelso Grove Recreation Reserve from the General Recreation Activity Area to the General Residential Activity Area.

The evaluation of the Plan Change has included an assessment of effects on the environment from rezoning the site to a General Residential Activity Area and subsequent residential development. The proposed General Residential Activity Area zoning is considered to be consistent with the character of the existing residential properties in the area and would allow for future development of the site in a manner which is in keeping with the amenity values of the local environment. There is also potential for the proposed zoning to improve the recreational values of the remaining recreation reserve land through an increase in natural surveillance (from future residential dwellings overlooking the reserve) and from improvements to drainage (funded from potential sales of the site).

A policy analysis of the relevant national, regional and local policies and plans has been undertaken. Overall it is considered that the Plan Change is consistent with the objectives and policies of the relevant policies and plans. The proposed rezoning of the site to the General Residential Activity Area and the associated rules are considered to determine an appropriate level of future development on the site while managing the adverse effects on the environment. No changes are proposed to the provisions of the General Residential Activity Area of the District Plan as part of the Plan Change.

The costs and benefits of the Plan Change have been assessed against the purpose of the Resource Management Act 1991. The costs and benefits of the options for the site have been evaluated and the recommended option (option 2, rezone the site to General Residential Activity Area) is considered to be the most appropriate in terms of achieving the purpose of the Act. Overall the proposed Plan Change is considered to be consistent with the purpose and principles of the Act.

Appendices

- Appendix 1:** Plan identifying the area of the site proposed to be rezoned
- Appendix 2:** Indicative 24 lot subdivision plan for the site
- Appendix 3:** Locality Plan
- Appendix 4:** Preliminary Geotechnical Suitability Assessment by Tonkin and Taylor Ltd
- Appendix 5:** Transportation Assessment by Traffic Design Group Ltd
- Appendix 6:** Ecological Assessment by Blaschke and Rutherford Environmental Consultants
- Appendix 7:** Assessment of Availability of Services by Cuttriss Consultants Ltd
- Appendix 8:** Assessment of Recreational Effects by PAOS Ltd

Appendix 1: Plan identifying the area of the site proposed to be rezoned
(shown as the shaded red area)

Appendix 2: Indicative 24 lot subdivision plan for the site

Appendix 3: Locality Plan

Appendix 4: Preliminary Geotechnical Suitability Assessment by Tonkin and Taylor Ltd

Appendix 5: Transportation Assessment by Traffic Design Group Ltd

Appendix 6: Ecological Assessment by Blaschke and Rutherford
Environmental Consultants

Appendix 7: Assessment of Availability of Services by Cuttriss Consultants Ltd

Appendix 8: Assessment of Recreational Effects by PAOS Ltd

Part 5: Copy of Submission Form

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