

**Commissioner Recommendation**

**PLAN CHANGE 26  
30 SHAFTESBURY GROVE, STOKES VALLEY  
REZONING PART OF THE SITE AS GENERAL  
RESIDENTIAL ACTIVITY AREA**

**Report and Recommendation of Mark St.Clair  
Acting as a Commissioner appointed by the  
Hutt City Council pursuant to Section 34 of the  
Resource Management Act 1991**

## 1. INTRODUCTION

### Context

- 1.1 I was appointed by the Council to hear submissions to, and to consider and make a recommendation on, Plan Change 26, which seeks to rezone part of the site referred to as 30 Shaftesbury Grove, Stokes Valley, to General Residential Activity Area.
- 1.2 The Plan Change has a reasonably long background, which I will address in due course. The Plan Change has been the subject of a Council “section 32” report, consultation with land owners and occupiers, and of course the public notification and hearing, culminating in this report.
- 1.3 Before discussing the details of the proposed Plan Change and the submissions to it, there are some procedural issues that I need to address, beginning with my role as Commissioner.

### Role of Commissioner and Report Outline

- 1.4 My appointment was made because of Council policy for District Plan matters or resource consent applications where there is potential for conflict – either real or perceived. In this case, the Council is the owner of the land subject to the proposed Plan Change. Council policy is to engage independent commissioners with delegated powers to hear and recommend upon such matters when they have ownership interests. I note that under the Resource Management Act 1991, the Council cannot delegate the final decision on District Plan matters, and hence this report is a recommendation only.
- 1.5 In terms of the above, having familiarised myself with the proposed change and the background material, read all submissions, conducted the hearing and heard from the Council officers and submitters, as well as having visited the locality on three separate occasions, I hereby record my recommendations. In this respect, this report is divided into the following parts:

(a) Background/Plan Change Outline:

This section includes an outline of the background to the proposed change, including the sequence of events leading to this report. It also outlines the main components of the plan change including an overview of the locality. This background section provides a relevant context to considering each of the submissions to the plan change.

(b) Statutory Requirements:

This section sets out the statutory requirements under the Resource Management Act 1991 that govern the decision making process in regard to the Plan Change.

(c) Assessment of Submissions:

In this section, I record the various submissions received to the plan change, outline the concerns of the submitters to the plan change and, where relevant, amplify on the evidence/statements presented at the hearing. I then undertake an assessment of the aspects of the submissions and conclude with a recommendation. In doing so, I have grouped the submissions and not necessarily addressed each submission individually, as provided for in clause 10 of the First Schedule of the Resource Management Act 1991.

**2. BACKGROUND**

**Procedural Sequence**

- 2.1 The background to the Plan Change is set out in full in the Officer's Report and the proposed Plan Change documentation and is held on the Council file. Hence I will not repeat that in detail here, rather I will provide a brief summary.
- 2.2 From 2007 to 2009, the Council undertook a land review of its fee simple held reserves (including some gazetted reserves) for the purposes of assessing the appropriateness of the current use, wider open space contribution and development potential.
- 2.3 The site at 30 Shaftesbury Grove was included as part of this review. Consultation was undertaken between March and May 2009 in regard to the disposal of land managed as reserve in accordance with the requirements of the Local Government Act 2002 (LGA). 16 submissions specifically related to the disposal of the portion of the 30 Shaftesbury Grove site, as well as, other land in the surrounding area.
- 2.4 These concerns were considered by the Strategy and Policy Committee when they met in May 2009, prior to the determination to dispose of the application site. The Council further commissioned a geotechnical report, and following the outcome of that investigation, which also included an indicative subdivision layout, made its final decision in November 2009 to proceed with the Plan Change process to seek the rezoning of approximately 2.03ha being a portion of 30 Shaftesbury Grove to facilitate residential development. I note that one of the two original options for the proposed Plan Change area was rejected by the Council as inappropriate following landscape and ecological advice. The rejected option would have required major filling of the gully between the areas to be zoned under the current Plan Change proposal.
- 2.5 The Plan Change itself was publicly notified on 27 March 2012 with the submission period closing on 27 April 2012. The summary of submissions was notified on 22 May 2012, with further submissions closing on 6 June 2012. A total of three submissions and no further submissions were received.
- 2.6 The hearing was set down for 12 December 2012. On 6 December 2012, I issued a minute setting out the topic areas on which, having reviewed the Officer's Report, I would be seeking further information by way of questioning officers. This minute was circulated to all parties.

- 2.7 On the 11<sup>th</sup> December 2012, I issued a further minute (Minute #2) postponing the hearing. As set out in the minute I did this because I had received correspondence from parties claiming that they had not been directly notified of the Plan Change and had therefore not had the opportunity to lodge a submission.
- 2.8 On the 17<sup>th</sup> December 2012, I issued a further minute (Minute #3). In that minute I noted that given that some parties may not have received the mail out advising them of the Plan Change, that as a matter of fairness, I deemed that they should be given that opportunity. As such, I instructed officers to send out a letter to all directly affected parties inviting them to lodge a submission by the 8<sup>th</sup> February 2013. Following that submission period, a date for the hearing should be scheduled. I record that an additional twenty nine submissions were received during this period.

### **The Hearing**

- 2.9 The hearing was convened on the 25<sup>th</sup> March 2013 in the James Coe Two Room at The Dowse Art Museum, 45 Laings Road, Lower Hutt. I heard from the following people during the course of the hearing that day:

#### *Submitters*

- Mr. Anthony Allen, 8 Shaftesbury Grove, Stokes Valley – Submission No. 21
- Mrs. Margaret Reed, 2 Aldersgate Grove, Stokes Valley – Submission No. 24
- Mr. David Beerworth, 176 Holborn Drive, Stokes Valley – Submission No. 22

#### *Council*

- Miss. Chloe Smith, Environmental Policy Analyst
- Mr. James Beban, Cuttriss Consultants Limited – consultant to the Council
- Ms. Julia Williams, Independent Consultant - Landscape
- Ms. Eliza Sutton, Independent Consultant – Traffic Engineering
- Dr. Paul Blaschke, Independent Environmental Consultant - Ecology

- 2.10 On the 25<sup>th</sup> March 2013, I opened the hearing at 9.00am and after initial introductions, and advising that I had undertaken a site visit; I set out the hearing procedures.
- 2.11 The hearing then commenced with presentations by Dr. Blaschke, Ms Williams, and Ms. Sutton. The reporting officer Ms. Smith concluded the Council's presentation on the Plan Change. The submitters Mrs. Reed, Mr. Allen and Mr. Beerworth then spoke in support of their submissions. I exercised my opportunity to question all persons present.
- 2.12 At that point, I adjourned the hearing noting that the hearing would be reconvened on the 5<sup>th</sup> April 2013 to hear from additional submitters. I also issued a further minute (Minute #4) on the 25<sup>th</sup> March 2013, noting that an

additional site visit was to be undertaken to 2 Aldersgate Grove and setting out additional information from officers that I required, regarding the zoning history of the area. In addition, I requested that this information be made available before the reconvening of the hearing on the 5<sup>th</sup> April 2013.

- 2.13 That site visit duly took place and I received the additional information from officers which was also distributed to all parties. I provided the opportunity for the parties to speak to any matters arising from that additional information at the reconvened hearing.
- 2.14 The hearing was duly reconvened on the 5th April 2013. The attendances at the reconvened hearing were:

*Submitters*

- Mr. Phil Angus, 7 Shaftesbury Grove, Stokes Valley – Submission No. 2

*Council*

- Miss. Chloe Smith, Environmental Policy Analyst
- Mr. James Beban, Cuttriss Consultants Limited – consultant to the Council

- 2.15 I note that Mr. J Morris (Submission No. 18) had confirmed to officers that he wished to speak to his submission on that day. However, I record that Mr. Morris did not appear.
- 2.16 At the hearing I again explained to the submitters the hearing procedures and also explained that my recommendation would be limited to that of the Plan Change and not the Council's decision to put the land up for sale, for which the decision was made under the Local Government Act. I heard from the submitters and took the opportunity to question them. I also questioned officers on the zoning history information that they provided (dated 27 March 2013) and noted that there were inconsistencies between the "Zoning History Summary" table and the maps appended. Particularly in regard to the previous zoning of the area of 30 Shaftesbury Grove that is subject to the current plan change. I adjourned the hearing to allow time for the officers to research and clarify the zoning history information and issued a minute to that fact effect (Minute #5, dated 6 April 2013).
- 2.17 Having reviewed the response to that information request I issued a minute (Minute #6) requesting that the officers respond to matters raised in the hearing in writing and that this response be issued to all parties. Those directions were duly complied with and being satisfied with the information received, I closed the hearing on the 7<sup>th</sup> May 2013. I issued a minute (Minute #7) to that effect, noting that I would issue my recommendation to Council in due course.
- 2.18 Finally I record that there were no procedural matters raised by any party during the course of the hearing.

## Outline of Plan Change

- 2.19 As mentioned above, the purpose of the Plan Change is set out fully in the officer's report which is held on the Council file. In summary, proposed Plan Change 26 seeks to rezone a portion of the site at 30 Shaftesbury Grove, Stokes Valley (currently zoned General Recreation Activity Area) to General Residential Activity Area. The plan included in Part 3 of the proposed District Plan Change 26 document shows the extent of the proposed rezoning. I note that the land to be rezoned:
- Covers one parcel of land described as Lot 2 DP 433614.
  - Is not gazetted as a reserve under the Reserves Act.
  - Is held in fee simple.
  - The subdivision plan shown in Appendix 1 of the Section 32 Evaluation is indicative only and does not form part of the proposed Plan Change.

## 3. STATUTORY PROVISIONS

### The Resource Management Act 1991

- 3.1 In this section of the report I set the statutory provisions I am required to take account of in reaching my recommendation.

### Schedule 1

- 3.2 Part 1 of Schedule 1 to the RMA sets out the procedure for council initiated plan changes.

- 3.3 Directions on decisions are set out in clause 10 of Schedule 1 of the RMA, which states:

**10 Decisions on provisions and matters raised in submissions**

(1) *A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*

(2) *The decision—*

(a) *must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*

(i) *the provisions of the proposed statement or plan to which they relate; or*

(ii) *the matters to which they relate; and*

(b) *may include—*

(i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*

(ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*

(3) *To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*

- 3.4 Matters to be considered in any plan change are set out in section 74 of the RMA as follows:

**74 Matters to be considered by territorial authority**

(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
- (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 or the effects of trade competition.

3.5 Finally, section 75 of the RMA states that:

- (3) A district plan must give effect to—
- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (c) any regional policy statement.
- (4) A district plan must not be inconsistent with—
- (a) a water conservation order; or
- (b) a regional plan for any matter specified in section 30(1).

## Part 2 Matters

3.6 The purpose of the RMA is to promote the sustainable management of natural and physical resources (Section 5). This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life-supporting capacity of ecosystems and avoiding, remedying or mitigating adverse effects on the environment.

3.7 Section 6 contains a list of matters of national importance that all persons exercising functions and powers under shall recognise and provide for. Those

matters of particular relevance to the Plan Change are:

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

3.8 Section 7 addresses ‘other matters’ which, in achieving the purpose of the RMA, persons exercising functions and powers under the RMA shall have particular regard to. Those matters of particular relevance to the Plan Change are:

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

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

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

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

3.9 Section 8 provides that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

3.10 I note that iwi were included on the list of affected parties who received direct notification of this Plan Change and that no submissions were received from iwi.

### **Sections 31, 32, 72 & 76 of the RMA**

3.11 Section 31 sets out the Council’s functions for the purpose of giving effect to the RMA. The Council’s functions are stated in section 31 of the RMA and include:

*31(1)(b) the control of any actual or potential effects of the use, development or protection of land.*

3.12 Section 32 of the RMA 1991 requires a Section 32 report which summarises the process of evaluation undertaken in the preparation of the Plan Change. A Section 32 evaluation must examine the following:

(3) (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.*

3.13 An evaluation must also take into account:

(4) (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.*

3.14 Section 32(5) requires that a report must be prepared, summarising the evaluation and giving reasons. The section 32 requirements of the RMA were addressed in the officer’s report and Plan Change documentation provided at the hearing.



3.15 Section 72 states as follows:

*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.*

3.16 The following provisions of section 76 are also relevant:

- (1) A territorial authority may, for the purpose of –
  - (a) Carrying out its functions under this Act; and
  - (b) Achieving the objectives and policies of the plan, - include rules in a district plan.
- ...
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect...

3.17 In relation to the statutory requirements, and the evidence and reports presented, my findings and recommendations are set out below.

#### 4. OVERVIEW OF SUBMISSIONS TO PLAN CHANGE 26

##### Numbers and Categories

4.1 There were a total of thirty-two submissions and no further submissions received to Plan Change 26 within the submission periods.

4.2 The following table sets out the submissions accepted and a summary of the decision sought by those submitters;

Number	Submission Number	Name of Submitters	Position on Plan Change
1	DPC26/1	Wayne Robinson 163 Holborn Drive	Oppose
2	DPC26/2	Phil Angus 7 Shaftesbury Grove	Oppose
3	DPC26/3	Greater Wellington Regional Council	Oppose
4	DPC26F/1	Trinette Gray 49 Holborn Drive	Oppose
5	DPC26F/2	Russell Jenkins 10 Fenchurch Grove	Oppose
6	DPC26F/3	John and Lin Piper 47 Holborn Drive	Oppose
7	DPC26F/4	Vicki Patrick 42 Whitechapel Grove	Oppose
8	DPC26F/5	Ingrid Brabyn 52 Holborn Drive	Oppose

9	DPC26F/6	Lorraine Soeberg 50 Holborn Drive	Oppose
10	DPC26F/7	Vicki Hirini 27 Clapham Grove	Oppose
11	DPC26F/8	Peter Murray 83 Holborn Drive	Oppose
12	DPC26F/9	Joan Evans 75 Logie Street	Oppose
13	DPC26F/10	Wayne and Tracey Hardgrave 14 Gribble Grove	Oppose
14	DPC26F/11	Ronald Hardgrave 14 Gribble Grove	Oppose
15	DPC26F/12	Regan Smith 8 Holborn Drive	Oppose
16	DPC26F/13	Kathy and FS Foote 6 Shaftesbury Grove	Oppose
17	DPC26F/14	Harold and Denise Wood 12 Greenwich Grove	Oppose
18	DPC26F/15	Romain Busby 27 Fenchurch Grove	Oppose
19	DPC26F/16	Karyn Sirota 10 Shaftesbury Grove	Oppose
20	DPC26F/17	Heather and John Upfold 156 Holborn Drive	Oppose
21	DPC26F/18	John Morris 8 Holborn Drive	Oppose
22	DPC26F/19	Macushla Smith 8 Holborn Drive	Oppose
23	DPC26F/20	Christine Rosemarie Jower 184 Holborn Drive	Oppose
24	DPC26F/21	Anthony John Allen 8 Shaftesbury Grove	Oppose
25	DPC26F/22	David Beerworth 167 Holborn Drive	Oppose
26	DPC26F/23	Kathleen Abbott 3 Aldersgate Grove	Oppose
27	DPC26F/24	Margaret and Michael Reed	Oppose
28	DPC26F/25	Michelle Reed and Margaret McDonald 2 Aldersgate Grove	Oppose
29	DPC26F/26	Geraldine MacMillan 177 Holborn Drive	Oppose
30	DPC26F/27	Roger Olsen 9 Shaftesbury Grove	Oppose

31	DPC26F/28	Terry Speirs 9 Whitechapel Grove	Oppose
32	DPC26F/29	Craig Press 69 Kairimu Street	Support

4.3 I note that in officer's report (para 236, page 38) and in material included in the Council officer's right of reply to matters raised in the hearing (Appendix 4), Miss. Smith refers to documents from Greater Wellington Regional Council officers which state that the Regional Council was no longer opposed to the Plan Change and did not wish to be heard. These documents are held on the Council's file. The Regional Council officers also advised in those documents that they wished for the Regional Council's submission to be considered, effectively subject to agreements with HCC around:

- Gazetting the balance of each parcel into reserve; and
- The funding from the purchase of the land parcels to go into the Reserve Contribution Fund.

4.4 Miss. Smith, in the hearing's report (Para 19 Pages 6-7), records that HCC has already made decisions as part of the land review process on both of those matters. It is not within my power to recommend Council to follow through with these actions, but I wish record that I have taken account of this commitment in the preparation of my recommendation on the plan change.

4.5 In regard to the submissions to Plan Change 26, I have found it useful to adopt the heading structure of the submissions set out by Miss. Smith in her officer's report, albeit that I have reordered the sequence of heading issues. In addition, I record that Miss. Smith in her analysis of those submissions adopted a decimal point submission referencing systems<sup>1</sup>. I have also adopted that referencing system in this recommendation. The submissions have therefore been grouped in the following manner:

- (a) Preliminary Issues
- (b) Visual Amenity, Character and Landscape
- (c) Ecological Effects
- (d) Loss of Recreation
- (e) Traffic Generation and Safety
- (f) Infrastructure (Water, Wastewater and Stormwater)
- (g) Site Stability
- (h) Appropriate Zoning

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<sup>1</sup> Smith Officer's report dated 25 March 2013

(i) Cumulative Effects

(j) General

4.6 I have used these ten categories as the basis for the assessment that follows.

### Preliminary Issues

4.7 The preliminary issues relate to matters that are beyond the scope of the plan change, and therefore beyond the scope of my jurisdiction to assess them. Miss. Smith set out her view of which parts of the submissions fell into this category in the hearing's report<sup>2</sup>. I have summarised these in the following table:

**Table 1 – Out of Scope Submissions**

Submission Issue	Submission relating to the matter
Property value	Kathy Foote & FS Foote (F13.3) Christine Rosemarie Jowers (F20.2) Kathleen Abbott (F23.2) Michelle Reed and Margaret McDonald (F25.2) Geraldine MacMillan (F26.2) Margaret and Michael Reed (F24.3)
Uncertainty of scope of development	Margaret and Michael Reed (F24.2)
Incurred cost as a result of development	Christine Rosemarie Jowers (F20.3) Kathleen Abbott (F23.3) Michelle Reed and Margaret McDonald (F25.3) Geraldine MacMillan (F26.3)
Development cost analysis	Anthony John Allen (F21.3)
Council process – land already sold to Urban Plus	Terry Speirs (F28.5)
Access to recreation land – consider provision of walking track to Eastern Hutt Road	Craig Press (F29.2)

4.8 At the hearing, both **Mrs. Reed** and **Mr. Anthony** raised the issues in their submissions of uncertainty of the ownership mix (public v private) of any

<sup>2</sup> Smith Officer's Report, dated 25 March 2013, paras 364-384, Pages 50-52

development of the land and the cost to Council of the development of the land, respectively. **Mrs. Reed** also drew my attention to the loss of property value should the development of the sites proceed.

- 4.9 I explained to both **Mrs. Reed** and **Mr. Anthony** at the hearing that these matters were not within the scope of the matters that I could consider in terms of the Plan Change. I concur with the assessment by Miss. Smith in regard to the matters raised in these points of submission noted in her report. As such, I recommend that the **submission points in Table 1 above be rejected.**

### Visual Amenity, Character and Landscape

- 4.10 I have grouped the submission points addressing visual amenity, character and landscape in the following table;

**Table 2 – Submission Points**

Visual matter	Submissions relating to the matter
Visual amenity	Phil Angus (2.2) Regan Smith (F12.1) Karyn Sirota (F16.1) John Morris (F18.1) Macushla Smith (F19.1) Christine Rosemarie Jowers (F20.4) Anthony John Allen (F21.1) Kathleen Abbott (F23.4) Margaret and Michael Reed (F24.1) Michelle Reed and Margaret McDonald (F25.4) Geraldine MacMillan (F26.4)
Character and landscape	Phil Angus (2.2), (2.7) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) Kathy Foote & FS Foote (F13.4), (F13.6) Heather & John Upfold (F17.7) Christine Rosemarie Jowers (F20.1), (F20.7) Kathleen Abbott (F23.1), (F23.7) Michelle Reed and Margaret McDonald (F25.1), (F25.7)

Geraldine MacMillan (F26.1), (F26.7)
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- 4.11 In summary the main points raised in submissions on visual amenity included:
- Effect on outlook from existing residential properties;
  - Loss of views to the public; and
  - Loss of privacy to Aldersgate Grove properties.
- 4.12 In regard to character and landscape I summarise the main points of submission as follows:
- Adverse effect due to change in character
  - Resulting development will leave scarred landscape similar to Speldhurst subdivision
  - No solid promises as to eventual residential outcome – assume the worst
  - Impacts from development of site, noise, dust, etc
- 4.13 **Mrs. Reed (F24.1)** reinforced her concerns in her presentation at the hearing. **Mrs. Reed** emphasized the effects on privacy and amenity of the building on the ridge line and houses built on stilts. **Mr. Allen (F21.1)** drew my attention to potential development directly across the street from his dwelling and referred me to the photographs attached to his submission, illustrating the potential effect. **Mr. Allen** further noted the loss of the view to the general public. At the reconvened hearing, **Mr. Angus (2.2 & 2.7)** similarly drew my attention to the loss of the view to the general public, as well as, effects of the eventual development on the private views of the dwellings along Shaftesbury Grove. Mr. Angus further elaborated on his submission, that a Hill Residential zone was more appropriate than the General Residential Activity Area zone as it would have less effect on neighbourhood.
- 4.14 At the hearing on the 25<sup>th</sup> March 2013, Ms. Williams, the consultant landscape architect for the Council, provided evidence on the report she prepared for the Plan Change and also responded to matters raised in submissions regarding issues of landscape and visual assessment. I summarise Ms. William’s evidence as follows;
- Ongoing revegetation on the site would create a loss of the view as would any potential residential development
  - The granting of formal reserve status to the remaining area will provide certainty in respect of the wider geographical environment
  - Distance from plan change area boundary to property boundary in Holborn Drive (75m) and for Aldersgate 200m, these large viewing distances provide effective mitigation
  - Concern of level of effect of built development on Aldersgate properties and from valley floor, which would require additional assessment at time of subdivision (e.g., by way of limits on building height and retaining walls
  - Potential visibility of installation of services, fencing, retaining walls could be mitigated by assessment at development stage.
- 4.15 In response to questions Ms. Williams opined that any reduction in the area of the plan change would be subject to similar types of effects unless confined to

the top of the spur, nonetheless it was still her view that specifics could be addressed subdivision and development stages.

- 4.16 Miss. Smith addressed matters of visual amenity, landscape and character in both the hearing's report<sup>3</sup> and in her summary of evidence presentation at the hearing. In replying on the evidence of Ms. Williams and in taking account of matters raised submissions relating to effects from built development, Miss. Smith was of the view that the Plan Change was in keeping with the objectives and policies relating to residential character and amenity values, and recommended an additional assessment criteria to address visual amenity issues relating to built development<sup>4</sup>. In response to matters raised during the hearing, Miss. Smith revised the wording of the recommended assessment criteria<sup>5</sup>.
- 4.17 In the right of reply Miss. Smith addressed a number of matters relating to visual amenity landscape and character including, appropriateness of the General Residential Activity area zone was well as specific reference to the Speldhurst subdivision was granted and developed prior to the introduction of earthworks and vegetation removal rules in the District Plan<sup>6</sup>. Miss. Smith's view was that as a consequence of those new rules, the effects of a subdivision similar to Speldhurst Grove would not occur again.
- 4.18 In reaching a determination regarding visual amenity, character and landscapes issues I find that there is a potential wider effect of the proposed plan change that will manifest at the time of development. In reaching that finding, I also concur with the evidence of officers that the addition of a specific assessment criteria is needed, to mitigate the potential building development effects.
- 4.19 Included in Miss. Smith's right of reply was a revised draft new Restricted Discretionary assessment criteria, which states;

**“Draft Rule for Chapter 11 Subdivision – new Restricted Discretionary assessment criteria:**

*Add new assessment criteria to 11.2.3.1 Matters in which Council has restricted its discretion*

(k) Visual effects of built development on the wider area (Appendix Subdivision 8):

*Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 8 on visual amenity of the wider area (i.e.: the Valley Floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account.*

<sup>3</sup> Smith Officer's report, pages 25-30

<sup>4</sup> Smith Officer's report, pages 17- 21

<sup>5</sup> Right of Reply Appendix 1

<sup>6</sup> Plan Change 10

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

*Add Appendix Subdivision 8 showing the area that Council wishes to protect.*

- 4.20 Miss. Smith’s recommendation does include identification, by way of a map “... *showing the area that Council wishes to protect*”.
- 4.21 I concur with Miss. Smith and have determined that this is an appropriate method for the assessment rule. The revised wording and map showing the area to be protected is included in Appendix 1 to this report.
- 4.22 As such I recommend the acceptance in part of the submission points of **Phil Angus (2.2), Regan Smith (F12.1), Karyn Sirota (F16.1), John Morris (F18.1), Macushla Smith (F19.1), Christine Rosemarie Jowers (F20.4), Anthony John Allen (F21.1), Kathleen Abbott (F23.4), Margaret and Michael Reed (F24.1), Michelle Reed and Margaret McDonald (F25.4), and Geraldine MacMillan (F26.4)** as they relate to avoiding or mitigating adverse effects of built development. Those parts of the submissions which are recommended not to be accepted relate to the protection of personal views which are not protected under the RMA.

**Native Vegetation Loss/ Indigenous Ecosystems and Wildlife**

- 4.23 The submissions relating to these matters are set out in the officer’s report and I do not repeat those individual points here. Following the officer’s report I have grouped the submission points addressing Native Vegetation loss, indigenous Ecosystems and Wildlife in the following table:

<b>Ecological matters</b>	<b>Submissions relating to the matter</b>
Native Vegetation Loss	Phil Angus (2.3) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) Russell Jenkins (F2.3) John & Lin Piper (F3.4) Kathy Foote & FS Foote (F13.2) Harold & Denise Wood (F14.3) Romain Busby (F15.1) Karyn Sirota (F16.1) Heather & John Upfold (F17.4)
Indigenous Ecosystems and Wildlife	Phil Angus (2.4) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) Greater Wellington Regional Council (3.1), (3.2), (3.3), (3.4), (3.5) Trinette Gray (F1.1)



	<p>John &amp; Lin Piper (F3.5)                  Peter Murphy (F8.2)                  Joan Evans (F9.2)                  Wayne &amp; Tracey Hardgrave (F10.2)                  Ronald Hardgrave (F11.2)                  Kathy Foote &amp; FS Foote (F13.2)                  Karyn Sirota (F16.1)                  Christine Rosemarie Jowers (F20.4)                  Kathleen Abbott (F23.4)                  Michelle Reed and Margaret McDonald (F25.4)                  Geraldine MacMillan (F26.4)                  Anthony John Allen (F21.2)                  Roger Olsen (F27.1)                  Terry Speirs (F28.3)</p>
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4.24 The submitters raised a number of concerns, particularly regarding the loss of habitat for native birds and the impact on SNR Area 50. These concerns were reinforced by **Mr. Allen (F21.2)** and **Mr. Angus (2.3 & 2.4)** in speaking to their submissions at the hearing.

4.25 As I noted in paragraph 4.3 above, the GWRC withdrew their opposition to the Plan Change but, still wish to have their submission considered. I record that the GWRC in their submission raised a number of issues relating to ecology and biodiversity which I have summarised as follows:

- Loss of connectivity values for sites with significant ecological values
- Intrusion of development into SNR Area 50
- Loss of forest and aquatic habitats impact on biodiversity
- Impacts of edge effects
- HCC’s ecological reports identify the site as having significant biodiversity, provide ecological connectivity and important habitat.

4.26 GRWC in their relief sought that HCC in considering the Plan Change;

- Avoid adverse effects on significant indigenous biodiversity on the site and provide buffers to protect it
- Reconsiders the rezoning to residential and the potential cumulative effects on remnant indigenous biodiversity

4.27 At the hearing, as an ecological expert for the Council, Dr. Blaschke provided a written summary and made a verbal presentation on the ecological and biodiversity issues. Dr Blaschke also responded to my questions. I summarise the important aspects of his presentation and response to questions as follows:

- Plan Change would result in some vegetation loss at development stage
- Significant tract of native bush further south
- Connectivity provided by SNR 50 – small intrusion as compared to Aldersgate Grove
- Gazetting of balance of 30 Shaftesbury Grove is effective mitigation – should be scenic or equivalent
- Existing rules and assessment criteria in the District effective in addressing ecological issues

- 4.28 In response to questions Dr Blaschke clarified issues relating to the potential effects on the SNR, including its location and extent, and the potential effects of servicing of the site (sewer/stormwater). Also in response to questions Miss. Smith and Mr. Beban were of the view that the rules within the subdivision Chapter of the District Plan would provided for minimisation of vegetation loss.
- 4.29 Overall in regard to the Native Vegetation loss, Indigenous Ecosystems and Wildlife I am persuaded by the evidence of Dr Blaschke in regard to significance of and potential impact on those values and as such I recommend that the submission points of **Phil Angus (2.3 & 2.4), Regan Smith (F12.1), John Morris (F18.1), Macushla Smith (F19.1), Russell Jenkins (F2.3), John & Lin Piper (F3.4 & F3.5), Kathy Foote & FS Foote (F13.2), Harold & Denise Wood (F14.3), Romain Busby (F15.1), Karyn Sirota (F16.1), Heather & John Upfold (F17.4), Greater Wellington Regional Council (3.1), (3.2), (3.3), (3.4), (3.5), Peter Murphy (F8.2), Joan Evans (F9.2), Wayne & Tracey Hardgrave (F10.2), Ronald Hardgrave (F11.2), Karyn Sirota (F16.1), Christine Rosemarie Jowers (F20.4), Kathleen Abbott (F23.4), Michelle Reed and Margaret McDonald (F25.4), Geraldine MacMillan (F26.4), Anthony John Allen (F21.2), Roger Olsen (F27.1) and Terry Speirs (F28.3)** on this aspect be rejected.
- 4.30 In making this determination I am aware that as I set out in paragraphs 4.25 and 4.26 above, that GWRC withdrew their opposition to plan change on the understanding that HCC is to gazette as reserve the balance of land known as 30 Shaftesbury Grove. I record, that I cannot, through this process, bind the Council to undertake the action of gazetting the land. However, I do record that I have taken account of that commitment in reaching my determination and that I have also relied on Dr. Blaschke’s recommendation that the appropriate reserve status would be scenic or its equivalent.

**Recreational Issues**

- 4.31 The submissions relating to these matters are set out in the officer’s report and I do not repeat those individual points here. Following the officer’s report I have grouped the submission points addressing recreation issues in the following table:

<b>Matter</b>	<b>Submissions relating to the matter</b>
Loss of recreation	Phil Angus (2.1) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) Russell Jenkins (F2.1) John & Lin Piper (F3.1) Karyn Sirota (F16.1), Heather & John Upfold (F17.1) Christine Rosemarie Jowers (F20.4) Kathleen Abbott (F23.4) Michelle Reed and Margaret McDonald (F25.4) Geraldine MacMillan (F26.4) Terry Speirs (28.2)

- 4.32 At the hearing **Mr. Angus (2.1)**, expanded on these matters in his presentation. In particular, he spoke of the informal use of the area by local children and general value of the area for such purposes.
- 4.33 Miss. Smith addressed recreational issues in her assessment of submissions in the hearing's report, which I summarise as follows;
- Section 32 report referenced assessment undertaken as part of land review showed the area under utilised
  - Approximately 20.5ha as the residual General Recreation Activity Area would be gazetted
  - Limited opportunity for informal recreation due vegetation cover and slope
  - Several opportunities for formal and informal recreation already exist in the area
- 4.34 Having considered the material put before me, I find that on a neighbourhood basis, even with the loss of land at 30 Shaftesbury Grove to a residential zoning, that there is sufficient provision and accessibility to reserves. I also note my earlier point in paragraph 4.30 above where I have taken account of the Council's decision to gazette the remainder land at 30 Shaftesbury Grove. As such I recommend that the submission points of **Phil Angus (2.1), Regan Smith (F12.1), John Morris (F18.1), Macushla Smith (F19.1), Russell Jenkins (F2.1), John & Lin Piper (F3.1), Karyn Sirota (F16.1), Heather & John Upfold (F17.1), Christine Rosemarie Jowers (F20.4), Kathleen Abbott (F23.4), Michelle Reed and Margaret McDonald (F25.4), Geraldine MacMillan (F26.4), and Terry Speirs (28.2)** on this aspect be rejected.

### Traffic Generation and Safety

- 4.35 The submissions relating to these matters are set out in the officer's report and I do not repeat those individual points here. Following the officer's report I have grouped the submission points addressing traffic generation and safety in the following table:

Matter	Submissions relating to the matter
Traffic generation and safety	Wayne Robertson (1.2) Phil Angus (2.5), (2.7) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) Russell Jenkins (F2.1) John & Lin Piper (F3.1) Vicki Patrick (F4.2) Ingrid Brabyn (F5.1) Lorraine Soeberg (F6.1) Vicki Hirini (F7.2) Joan Evans (F9.1) Wayne & Tracey Hardgrave (F10.1) Ronald Hardgrave (F11.1) Kathy Foote & FS Foote (F13.1)

	Harold & Denise Wood (F14.2) Heather & John Upfold (F17.3) Christine Rosemarie Jowers (F20.9) Kathleen Abbott (F23.9) Michelle Reed and Margaret McDonald (F25.9) Geraldine MacMillan (F26.9) David Beerworth (F22.2) Terry Speirs (F28.4)
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- 4.36 At the hearing I heard from **Mr. Beerworth (F22.2)**. **Mr. Beerworth** is a long-standing residence of Holborn Drive and his primary concern was in regard to traffic safety. **Mr. Beerworth** spoke to his written material which included a number of photographs. In summary, **Mr. Beerworth** drew my attention to the variable width of Holborn Drive, its steepness and curves, and on-street parking which all contribute to traffic safety issues. In addition this would be exacerbated by the additional traffic generated by Plan Change.
- 4.37 **Mrs. Reed and Mr. Angus (2.5 & 2.7)** also drew my attention to similar matters during their presentations.
- 4.38 Ms. Eliza Sutton, a consultant traffic engineer for the Council, verbally summarised her tabled evidence and responded to questions. In Ms. Sutton's view,
- Holborn Drive was a collector road with capacity for 2000-8000 vehicles per day and even with inclusion of Plan Change area, volumes would be within the available capacity, function and performance of the local road network.
  - On-street parking, while not the norm, assists in reducing speed of vehicles.
  - In terms of road safety, damage only accidents is reflective of road environment and not dissimilar of other hill suburbs
- 4.39 In this case I am persuaded by the evidence of Ms. Sutton. I find that the increase in traffic resulting from the development of the land subject to the plan change will be well within the capacity of the roading network. I therefore recommend the rejection of traffic effects aspects of the submissions of **Wayne Robertson (1.2)**, **Phil Angus (2.5, (2.7)**, **Regan Smith (F12.1)**, **John Morris (F18.1)** and **Macushla Smith (F19.1)**, **Russell Jenkins (F2.1)**, **John & Lin Piper (F3.1)**, **Vicki Patrick (F4.2)**, **Ingrid Brabyn (F5.1)**, **Lorraine Soeberg (F6.1)**, **Vicki Hirini (F7.2)**, **Joan Evans (F9.1)**, **Wayne & Tracey Hardgrave (F10.1)** and **Ronald Hardgrave (F11.1)**, **Kathy Foote & FS Foote (F13.1)**, **Harold & Denise Wood (F14.2)**, **Heather & John Upfold (F17.3)**, **Christine Rosemarie Jowers (F20.9)**, **Kathleen Abbott (F23.9)**, **Michelle Reed and Margaret McDonald (F25.9)** and **Geraldine MacMillan (F26.9)**, **David Beerworth (F22.2)**, **Terry Speirs (F28.4)** be rejected.

- 4.40 I note that there are existing issues with on-street parking, particularly in the lower sections of Holborn Drive and at the hearing I requested that officer’s pass these concerns on to the relevant department of Council.

**Infrastructure (Water, Wastewater, Stormwater)**

- 4.41 Following the officer’s report I have grouped the submission points addressing infrastructure in the following table:

Infrastructure matter	Submissions relating to the matter
Water, Wastewater and Stormwater	Wayne Robertson (1.1) Phil Angus (2.6) Regan Smith (F12.1) John Morris (F18.1) Macushla Smith (F19.1) John and Lin Piper (F3.1) Vicki Patrick (F4.1) Kathy Foote & FS Foote (F13.5) Harold & Denise Wood (F14.1) Romain Busby (F15.1) Heather & John Upfold (F17.6) Christine Rosemarie Jowers (F20.8) Kathleen Abbott (F23.8) Michelle Reed and Margaret McDonald (F25.8) Geraldine MacMillan (F26.8) Terry Speirs (28.1)

- 4.42 While some of the submitters raised concerns regarding wastewater and stormwater, these matters were primarily related to vegetation clearance and the resulting effects, which I have addressed in sections 4.23 to 4.30 above. The majority of the submissions related to the current sub-standard water pressure in the area and the potential additional impacts of the proposed Plan Change.
- 4.43 Mr. Angus (2.6) expanded on the matters raised in his submission during his presentation, noting that low pressure or even stoppages occurred during the summer period and that the situation was particularly bad in 2010.
- 4.44 Miss. Smith’s report refers to the engineering report undertaken by Cutriss Consultants in the preparation of the Plan Change and notes:
- The current water supply in the area is below standard for peak times during the summer months
  - The installation of a booster pump station would mitigate this issue
  - The booster pump would be required at the subdivision consent stage and require engineering approval.
- 4.45 Miss. Smith also noted that the subdivision rules provide a mechanism where by any subdivision of the plan change area would not proceed if a complying water supply system cannot be provided.

4.46 Having considered the material presentations put to me, I find that the potential effects on water supply would be as a consequence of subdivision and accept the evidence that this issue is not an impediment to rezoning the land as mitigation options are available. Similarly I find that the infrastructure and stormwater issues as part of the infrastructure associated with the plan change can be addressed through the District Plan rules and therefore not an impediment to the rezoning. I therefore recommend that the submissions of **Wayne Robertson (1.1), Phil Angus (2.6), Regan Smith (F12.1), John Morris (F18.1) and Macushla Smith (F19.1), John and Lin Piper (F3.1), Vicki Patrick (F4.1), Kathy Foote & FS Foote (F13.5), Harold & Denise Wood (F14.1), Romain Busby (F15.1), Heather & John Upfold (F17.6), Christine Rosemarie Jowers (F20.8), Kathleen Abbott (F23.8), Michelle Reed and Margaret McDonald (F25.8), Geraldine MacMillan (F26.8) and Terry Speirs (28.1)** in regard to this matter be rejected.

### Stability/Site Suitability

4.47 The following submitters all raised the issue of site stability and hence suitability for development of the proposed Plan Change area:

Matter	Submissions relating to the matter
Site stability	John & Lin Piper (F3.6) Vicki Hirini (F7.1) Peter Murphy (F8.1) Joan Evans (F9.3) Wayne & Tracey Hardgrave (F10.1) Ronald Hardgrave (F11.1) Heather & John Upfold (F17.5) David Beerworth (F22.1)

4.48 At the hearing, **Mr. Angus** drew my attention to the Tonkin and Taylor report which contained reference to the land at 30 Shaftesbury Grove being unsuitable for development. I note that Mr. Angus did not raise this issue in his original submission, so I do not need to take it into account. Nonetheless, Miss. Smith responded to the issue Mr. Angus raised noting that the Tonkin and Taylor geotechnical report<sup>7</sup> comments on unsuitability referred to that part of site with steep slopes, rather than the flatter parts of the site, which they did identify as suitable and is the area to which the plan change relates.

4.49 In regard to site suitability and geotechnical issues I find that the Tonkin and Taylor report has been prepared by specialist geotechnical experts and I accept their findings. As such I recommend the rejection of the submission points of **John & Lin Piper (F3.6), Vicki Hirini (F7.1), Peter Murphy (F8.1), Joan Evans (F9.3), Wayne & Tracey Hardgrave (F10.1), Ronald Hardgrave**

<sup>7</sup> Tonkin and Taylor Report, Preliminary Geotechnical Suitability Assessment, Shaftesbury Grove, Aug 2009 Rev A

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(F11.1), Heather & John Upfold (F17.5) and David Beerworth (F22.1) in regard to site stability.

### Appropriate Zoning

- 4.50 In his submission **Mr. Angus (2.7 and 2.8)**, noted that General Residential Activity area was not the appropriate zoning for the site. This submission was supported by **Regan Smith (F12.1), John Morris (F18.1) and Macushla Smith (F19.1)**.
- 4.51 Mr. Angus expanded on this matter in his presentation; that if the site was to be rezoned then the appropriate zoning would Hill Residential, similar to that of the land zoned to the south west of Shaftesbury Grove. Mr. Angus compared the section sizes in the existing Shaftesbury Grove area to the Hill Residential requirements to further illustrate his point.
- 4.52 Miss. Smith in both the officer's report<sup>8</sup> and in the right of reply<sup>9</sup>, addressed these matters reinforcing her view that reflecting the existing Aldersgate Grove subdivision pattern was appropriate and noting that the subdivision standards were minimums that are used to as a development control to enhance and maintain amenity values. Miss. Smith was still of the view that the General Residential Activity area was still the appropriate zoning.
- 4.53 Related to this matter of appropriate zoning I requested that officers research and provide documentation of the history of the zoning of the area, particularly in regard to the plan change area which had previously been zoned residential under previous District Plans and District Schemes. This information was useful in my deliberations.
- 4.54 In considering all the material before me, I prefer the evidence of Miss. Smith and therefore find that the General Residential Activity Area is the appropriate zoning. Therefore, I recommend that the submission points of **Phil Angus (2.7) (2.8), Regan Smith (F12.1), John Morris (F18.1) and Macushla Smith (F19.1)** be rejected.

### Cumulative Effects

- 4.55 The submission of **Heather & John Upfold (F17.2)** raised concerns that the individual Plan Changes, 26 and 27 (151 Holborn Drive) have not accounted for the cumulative effects, rather each Plan Change was assessed individually.
- 4.56 Miss. Smith addressed this matter in the officer's report<sup>10</sup>, noting that the both traffic and ecological assessments for both plan changes took account of the cumulative effects across both Plan changes and the resulting effects were minor.

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<sup>8</sup> Smith Officer's Report, section 9.7.2 Pages 47-50

<sup>9</sup> Right of Reply, Page 4

<sup>10</sup> Smith Officer's Report , 9.7.3, Page 50

I am satisfied that the cumulative effects were taken account of in the assessment and hence recommend that the submission point of **Heather and John Upfold (F17.2)** be rejected.

## General

4.57 Finally the submission of **Mr. C Press (F29.1)** has no objection to the Plan Change if Option 1 (the Plan Change before me) is adopted as it will have minimal impact on the bush. As such I recommend the acceptance of the submission of **Mr. C Press (F29.1)**.

## 5. RECOMMENDATION AND OVERALL REASONS

5.1 I recommend to the Council that, pursuant to the First Schedule to the Resource Management Act 1991, that Proposed Plan Change 26 to the Hutt City Council District Plan be approved, subject to the amendments outlined, for all of the reasons set out in this report.

5.2 In terms of Part 2 of the Act the proposal, subject to the amendments outlined, does not contravene any of the matters of national importance (Section 6), 'other matters' (Section 7), nor the principles of the Treaty of Waitangi (Section 8).

5.3 The Plan Change is an appropriate way of achieving the purpose of the Resource Management Act 1991.

5.4 For all of the reasons given above the Plan Change meets the statutory requirements of the RMA, that the Plan Change satisfies Part 2 of the Act and therefore will promote the sustainable management of natural and physical resources as required by the RMA.

5.5 I recommend that the submissions on proposed Plan Change 26 be accepted in part or rejected, as outlined.

## 6. RECOMMENDATIONS ON THE SUBMISSIONS

6.1 That the following submissions be rejected:

Submission Number	Name of Submitters
DPC26/1	Wayne Robinson, 163 Holborn Drive
DPC26/2	Phil Angus, 7 Shaftesbury Grove
DPC26/3	Greater Wellington Regional Council
DPC26F/1	Trinette Gray, 49 Holborn Drive
DPC26F/2	Russell Jenkins, 10 Fenchurch Grove
DPC26F/3	John and Lin Piper, 47 Holborn Drive
DPC26F/4	Vicki Patrick, 42 Whitechapel Grove



DPC26F/5	Ingrid Brabyn, 52 Holborn Drive
DPC26F/6	Lorraine Soeberg, 50 Holborn Drive
DPC26F/7	Vicki Hirini, 27 Clapham Grove
DPC26F/8	Peter Murray, 83 Holborn Drive
DPC26F/9	Joan Evans, 75 Logie Street
DPC26F/10	Wayne and Tracey Hardgrave, 14 Gribble Grove
DPC26F/11	Ronald Hardgrave, 14 Gribble Grove
DPC26F/12	Regan Smith, 8 Holborn Drive
DPC26F/13	Kathy and FS Foote, 6 Shaftesbury Grove
DPC26F/14	Harold and Denise Wood, 12 Greenwich Grove
DPC26F/15	Romain Busby, 27 Fenchurch Grove
DPC26F/16	Karyn Sirota, 10 Shaftesbury Grove
DPC26F/17	Heather and John Upfold, 156 Holborn Drive
DPC26F/18	John Morris, 8 Holborn Drive
DPC26F/19	Macushla Smith, 8 Holborn Drive
DPC26F/20	Christine Rosemarie Jower, 184 Holborn Drive
DPC26F/21	Anthony John Allen, 8 Shaftesbury Grove
DPC26F/22	David Beerworth, 167 Holborn Drive
DPC26F/23	Kathleen Abbott, 3 Aldersgate Grove
DPC26F/24	Margaret and Michael Reed
DPC26F/25	Michelle Reed and Margaret McDonald, 2Aldersgate Grove
DPC26F/26	Geraldine MacMillan, 177 Holborn Drive
DPC26F/27	Roger Olsen, 9 Shaftesbury Grove
DPC26F/28	Terry Speirs, 9 Whitechapel Grove

6.2 That following submissions be accepted.

<b>Submission Number</b>	<b>Name of Submitters</b>
DPC26F/29	Craig Press, 69 Kairimu Street

## **APPENDIX 1**

Amendment to District Plan.

### **Rule for Chapter 11 Subdivision – new Restricted Discretionary assessment criteria:**

*Add new assessment criteria to 11.2.3.1 Matters in which Council has restricted its discretion*

(k) Visual effects of built development on the wider area (Appendix Subdivision 8):  
Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 8 on visual amenity of the wider area (i.e.: the Valley Floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account.

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

*Add Appendix Subdivision 8 showing the area that Council wishes to protect.*

*Appendix Subdivision 8*

## Appendix Subdivision 8

