

OFFICER'S REPORT FOR: Christine Foster, Independent Commissioner

SUBJECT: Proposed District Plan Change 37 – Hugh Sinclair Park, Wainuiomata – Rezoning the Site as General Residential Activity Area - Medium Density

PREPARED BY: Brett Osborne, Senior Planner, Jacobs

REVIEWED BY: Corinna Tessendorf, Senior Environmental Policy Analyst, Hutt City Council

REPORT DATE: 16 September 2015

HEARING: No Hearing Required

EXECUTIVE SUMMARY

The purpose of Proposed Plan Change 37 is to rezone a portion of Hugh Sinclair Park at 39 Fitzherbert Road, Wainuiomata (the subject site), from *General Recreation Activity Area* to *General Residential Activity Area – Medium Density* with site specific provision for a retirement village. The purpose of the proposed plan change is to facilitate the use of the subject site for a retirement village.

The remainder of Hugh Sinclair Park is not subject to this proposed plan change and will retain its current zoning of General Recreation Activity Area. The proposed plan change would provide for the development and use of the site for a retirement village as a restricted discretionary activity through the addition of a 'housing for the elderly' rule that will apply exclusively to the site.

In February 2012, the Wainuiomata Community Board approached Hutt City Council (Council) to recommend that Council revoke the reserve status of the subject site. In December 2012, Council was approached with a proposal to develop the subject portion of Hugh Sinclair Park for a retirement village. Council considered the proposal and determined that there is sufficient reserve land within the local community to remove this reserve. In March 2013, Council resolved to consult with the local community in regards to the revocation of the reserve classification. Submitters were heard by the Council's Policy Committee and, in August 2013, Council decided to revoke the reserve status of the site and prepare a plan change to facilitate the establishment of a retirement village on the site. The revocation is approved in principle by Council and the Department of Conservation. The survey work and formal revoke of the site will not be undertaken until a successful plan change is undertaken.

Proposed Plan Change 37 was notified on 19 May 2015, with submissions closing on 19 June 2015. The summary of submissions was notified on 21 July 2015, with further

submissions closing on 4 August 2015. This report considers the submissions against the proposed plan change and whether the provisions address the matters raised.

In total six submissions and no further submissions were received. The submissions seek various forms of relief, including:

- Proceed with the rezoning (four submissions);
- Proceed with the rezoning over part of the site, but retain the rest for recreational use (one submission); and
- Proceed with the rezoning, while providing for additional controls to mitigate flood risk and biodiversity impacts (one submission).

This report recommends Plan Change 37 be granted as proposed subject to one minor alteration to the Restricted Discretionary Activity matter relating to natural hazards.

A hearing for Proposed Plan Change 37 was scheduled to be held on 1 October 2015. However, the only two submitters who indicated they wish to be heard, (Greater Wellington Regional Council and Mr Ken Malley), have confirmed they no longer wish to attend a hearing. The three other submitters who did not state a preference in their submission to be heard or not, have now confirmed that they do not want to speak to their submission. Therefore pursuant to s8C of the First Schedule of the RMA a hearing is no longer required.

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1. INTRODUCTION

1.1 Author

1 My full name is Brett Andrew Patrick Osborne.

2 I am a Senior Planner employed by Jacobs New Zealand. I hold a Bachelor of
Social Science (Resource and Environmental Planning major), First Class Honours
and a Post Graduate Diploma in Resource and Environmental Planning from the
University of Waikato. I am a Full Member of the New Zealand Planning Institute.

3 I have over 15 years work experience primarily within the local government sector.

4 I have visited the site at 39 Fitzherbert Road, Wainuiomata and am familiar with the
surrounding area. I was engaged by the Hutt City Council in August 2015 to prepare
a section 42A report for Proposed Plan Change 37 following the close of the
submission period.

5 In preparing this report I have reviewed:

- the Operative Wellington Regional Policy Statement;
- relevant national environmental standards;
- relevant Hutt City Council policy documents;
- prior resolutions by Hutt City Council relevant to the plan change site;
- the plan change document as notified, including the section 32 report and
accompanying appendices;
- all submission to Proposed Plan Change 37; and
- the assessments of those experts, which are listed in paragraph 18.

1.2 Content of the Officer's Report

6 This report is prepared under the provisions of section 42A of the Resource
Management Act 1991 (RMA). It discusses and makes recommendations on the
relief sought by submissions to Proposed Plan Change 37.

7 My evidence is structured as follows:

- Introduction to the proposed plan change;
- Background to the proposed plan change;
- Description and history of the site;
- The requirements for considering a plan change;
- Consultation;
- List of submitters;
- Analysis of submissions;
- Analysis of relevant national, regional and council policy;
- Summary; and
- Planner's recommendation to the independent commissioner.

2. INTRODUCTION TO THE PROPOSED PLAN CHANGE

8 The intention of Proposed Plan Change 37 is to rezone a portion (3.9ha area) of the land at Hugh Sinclair Park at 39 Fitzherbert Road, Wainuiomata to General Residential Activity Area – Medium Density, and create a rule that caters for ‘housing for the elderly’ as a Restricted Discretionary Activity under the City of Lower Hutt District Plan (District Plan).

9 The subject site is currently zoned General Recreation Activity Area. The proposed plan change would enable subdivision and development of the site for residential activity to the extent provided for by the General Residential Activity Area provisions of the District Plan. However, the primary purpose of the plan change is to provide for a ‘housing for elderly’ development (retirement village) on the site as a Restricted Discretionary Activity.

10 The subject site is a relatively flat 3.9 hectare property situated at 39 Fitzherbert Road, Wainuiomata (Appendix 1 identifies the locality of the subject property), which forms a portion of the wider 15.24 hectare property identified as Hugh Sinclair Park. The majority of the subject site is grassed, with small grouping of trees.

11 Council has made the decision to revoke the reserve status of the site, and the Department of Conservation has approved this decision. Community consultation has been undertaken in accordance with the Reserves Act 1977. The reserve status of the site will be formally revoked once the decision for this plan change is made, assuming the decision is favourable.

12 Although this report is intended as a stand-alone document, a more in-depth understanding of the proposed plan change, the process undertaken, and related issues may be gained by reading the Section 32 Evaluation and associated Plan Change documents as publicly notified on 19 May 2015.

3. BACKGROUND TO PROPOSED PLAN CHANGE 37

13 For years there has been significant demand within the Wainuiomata community for a retirement village to be constructed as there are currently very limited housing options available for the elderly. Council were approached by a developer in December 2012 with a proposal to construct a retirement village on a portion of Hugh Sinclair Park. Such development would require a sale or lease of the land, a revoke of the reserve status and planning approval to enable a retirement village in that area.

14 Council investigated this option, and considered that there was sufficient reserve land within the local community, and that it could therefore support the revocation of reserve status on the portion of Hugh Sinclair Park, subject to this proposed plan change. The purpose of the proposed plan change is therefore to rezone a portion of Hugh Sinclair Park to an appropriate zone to facilitate the construction of a retirement village on the site.

15 The purpose of this proposed plan change is to facilitate the development of a retirement village on the site. It is not Council's intention to release the site for residential development, noting that the council can control the future development of the site through restrictions on any sale and purchase agreement.

16 Since 2007, Council has been undertaking a review of all the land in Lower Hutt that it holds in fee simple ownership and manages as reserve (including land classified as reserve under the Reserves Act 1977). The objective of the review is to ensure all Council owned land that is managed as reserve is being used for its best purpose. While this proposed plan change is not explicitly linked to this review process, the review process has resulted in several parcels of land in the Hutt Valley being rezoned for residential purposes.

17 The background of Plan Change 37 is summarised in table 1 below.

Date	Event
9 February 2012	The Wainuiomata Community Board approached Council to recommend that Council revoke the reserve status of the land at 39 Fitzherbert Road (Hugh Sinclair Park), and undertake a plan change and make the property available for sale. This recommendation followed consultation by the Community Board with the local community over the future of the property, after the relocation of the Rangatahi Learning Centre to the Parkway Community House.
December 2012	A developer approached Council with a proposal to undertake a comprehensive retirement village development on Hugh Sinclair Park.
February / March 2013	Council's Policy Committee recommended to Council on 26 February 2013 that the process for revoking the reserve status of the land be initiated. Council adopted this recommendation at its meeting on 26 March 2013.
April / May 2013	Council publicly notified its intention to change the classification of the subject site under Section 24 of the Reserves Act 1977 on 17 April 2013. At the close of the submission period on 31 May 2013, Council received 78 submissions of which 71 supported the revocation, 6 opposed and one was neutral.
August 2013	<p>The Policy Committee heard submitters on 1 August 2013 and subsequently resolved to:</p> <ul style="list-style-type: none"> ▪ Revoke the reserve status across 3.9 hectares of the site; ▪ Recommend to Council that the subject site be subject to a plan change and a subsequent resource consent application, which would enable the land to be used for the singular purpose of a retirement village complex; ▪ To grant, in principle, a right of way over part of Hugh Sinclair Park adjoining The Strand to provide access to the site for a retirement village (note: the exact details of this proposed right of way will need to be confirmed in due course, for example at the time that the resource consent application for the retirement village is considered). <p>Council adopted these recommendations at its meeting on</p>

	13 August 2013.
5 November 2013	The Department of Conservation confirmed its consent to revoke the reserve status of the subject site, noting that the Gazette Notice revoking the reserve status of the land would only be completed once the land had been surveyed. (Note: this survey work will not be undertaken until a successful plan change has been accomplished).
2 September 2014	At a full Council meeting, Council resolved to sell the land to the Masonic Village Trust for the development of a retirement village subject to Council undertaking a plan change to the District Plan to rezone the land to enable the construction of a retirement village.
12 May 2015	Proposed Plan Change 37 was adopted by Council for public notification.
19 May – 19 June 2015	Submission period - Proposed Plan Change 37 was publically notified on 19 May 2015, and submissions closed 19 June 2015. A total of six original submissions were received.
21 July – 4 August 2014	Further submissions period - The summary of submissions was notified on 21 July 2015, with further submissions closing on 4 August 2015. No further submissions were received.

Table 1 Background to Plan Change 37

18 Council sought expert advice on the plan change and the indicative subdivision option as follows:

- Ms Harriet Fraser, Harriet Fraser Traffic Engineering & Transport Planning – Transport;
- Mr Ashlin Tucker & Mr Royston Davidge, ABUILD Consulting Engineers Limited – Geotechnical;
- Mr Jim McMenamin, Cuttriss Consultants – Infrastructure (three waters, power and telecommunications);
- Lawrence McIlrath, Market Economic Limited – Economic Impacts.

19 These reports were attached as appendices to the Section 32 Report of the Plan Change as notified.

20 It is noted that while vehicle access to the site off The Strand is approved in principle by Council to support a retirement village, it is not confirmed that this access will be created for any type of development on the site, nor does it form part of this plan change. Therefore the access is not relied upon.

4. DESCRIPTION AND HISTORY OF THE SITE

21 The subject site (being the area subject to the plan change) is situated at Hugh Sinclair Park at 39 Fitzherbert Road, Wainuiomata (the wider site). The subject site

is approximately 3.9 hectares, and is contained within the southern portion of the wider site.

22 The wider site, 39 Fitzherbert Road, is a generally flat 15.24 hectare property. The wider site is effectively divided in two by the Parkway Drain. The northern portion of the wider site is used for more formal recreation and contains several playing fields including a softball diamond. The northern portion of the site is accessed via Parkway Road.

23 The area to the south of the drain is used for a variety of informal recreational activities and includes a BMX track, large open/flat areas, a number of grass mounds and a public walking track. There are several small stands of amenity plantings present on this site. The area that is proposed to be rezoned is comprised of most the southern portion of 39 Fitzherbert Road, but excludes the areas currently used for the BMX track and the playground.

24 The character of the area immediately surrounding the wider site is residential in nature to the south, and reserve to the north. These residential properties contain dwellings of a mix of architectural styles, ages and designs, some of which are two storied, although most are single storied. The average residential property size in Wainuiomata is 809m², so the character of the area is large low density residential housing.

25 The wider site is legally described as Part Lot 4 DP 23636 held in Computer Freehold Register WN50B/262 and Lot 1 DP 83036 held in Computer Freehold Register WN49C/742. The wider site was registered as a recreation reserve under the Reserves Act 1977. The Council and the Department of Conservation have approved the revocation of the reserve status of the subject site, being the portion of the wider site subject to this plan change. However the reserve status will not formally be revoked until a successful plan change is obtained. There are no other restrictions or interests registered on the Computer Freehold Register of the site that would affect this plan change.

26 The wider site is currently zoned General Recreation Activity Area in the District Plan. There are no special notations or restrictions registered within the District Plan that would affect the proposed plan change.

27 A review has been undertaken of the previous Hutt County District Schemes, Transitional District Plan, Proposed District Plan and the Operative District Plan. The zoning history has constantly been recreation, as shown below:

- Hutt County District Scheme (Operative 1964) – Public Recreation Reserve
- Hutt County District Scheme Review No. 1 (Operative 1978) – Existing Public Reserve
- Hutt County District Scheme Review No. 2 (Operative 1991) – Recreation
- Proposed District Plan – General Recreation Activity Area
- Operative District Plan – General Recreation Activity Area.

5. CONSULTATION

28 In January 2015, Council undertook consultation with the owners and occupiers of the adjoining properties. These parties were contacted in writing explaining the

proposed plan change. A copy of a plan showing the area subject to the proposed plan change was also sent to these parties.

29 As part of this initial limited consultation process, Council received feedback from several parties regarding the proposal. This feedback is identified in the following table.

Consulted party	Comments
Housing New Zealand	<ul style="list-style-type: none"> ▪ Supports the proposal
Royce and Liz Goldsworthy	<ul style="list-style-type: none"> ▪ Does not support nor oppose the development; ▪ Would like to see the construction effects associated with any development addressed; ▪ Would like to maintain the amenity values of their property and therefore limiting the height of any future buildings on the site to one or two storeys; ▪ Would like to see measures to ensure the noise from the operation of the retirement village is addressed.
Kura Little	<ul style="list-style-type: none"> ▪ Concerned about looking onto two or three storey buildings; ▪ Wants the application to be publicly notified; and ▪ Would like other areas of Hugh Sinclair Park to be considered.

30 The concerns from the local residents were taken into account as part of the development of the proposed rules for the proposed plan change. It is considered that the proposed rules will adequately address the concerns raised.

31 Consultation has also been undertaken with the following parties:

- Greater Wellington Regional Council;
- Ministry for the Environment;
- South Wairarapa District Council;
- Porirua City Council;
- Upper Hutt City Council;
- Port Nicholson Trust;
- Ngati Toa; and
- Tenths Trust.

32 Council did not hear from any of the above parties during the pre-notification consultation phase of this project. However, I note that when the proposed plan change was notified these parties were contacted directly and had the opportunity to lodge a submission, as further discussed in Section 8.

33 Proposed Plan Change 37 was notified on 19 May 2015, and a total of six submissions were received. The summary of decisions sought was notified on

21 July 2015, with further submissions closing on 4 August 2015. No further submissions were received.

6. LIST OF SUBMITTERS

34 The following submitters have lodged submissions on Plan Change 37:

Submission Number	Name of Original Submitters	Submission Reference
DPC35/1	Dave Williamson – United Video	1.1
DPC35/2	Bernard Kenny	2.1
DPC35/3	Angela Pahl	3.1
DPC35/4	Kenneth Ernest Malley	4.1
DPC35/5	Caroline Ammundsen for Greater Wellington Regional Council	5.1
DPC35/6	Margaret Bengé	6.1

7. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

35 The following sections of my report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.

36 The submissions are addressed by submitter. In the heading the submission number, the name of the submitter and the submission reference are printed in bold. Then the decision sought by the submitter is outlined and specific comments made by the submitter are summarised. This is followed by a discussion of the issues raised and my recommendation to the independent commissioner.

37 With respect to determining the scope of a submission, reference is made to clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

“6. Making submissions

Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.”

38 A submission on a plan change is therefore limited in that it must be “on” the plan change. In the case of Plan Change 37 the purpose was to address the intention to zone a Council owned parcel of land as General Residential Activity Area – Medium Density, and include provisions for “housing for the elderly”¹. Accordingly, for a submission to be deemed to be within the scope of Plan Change 37, the submission must relate to any one of the issues addressed in the Plan Change.

¹ As defined within Chapter 3 of the Operative District Plan.

39 While there were no further submissions, I note for the purpose of clarity that a further submission is limited to a matter in support of, or opposition to, an original submission. It cannot raise new issues that haven't been addressed in one of the original submissions.

40 Full copies of the six submissions received and the summary of submissions are provided by Council.

Submission:
DPC35/1 - Dave Williamson - 1.1

Request of Submitter

41 The submitter supports Proposed Plan Change 37.

Discussion

42 No specific reasons were stated by the submitter. Mr Williamson's support is noted.

Recommendation

43 It is recommended that the submission in support lodged by **Dave Williamson [1.1]** be accepted.

Submission:
DPC35/2 - Bernard Kenny - 2.1

Request of Submitter

44 The submitter supports Proposed Plan Change 37.

Discussion

45 The submitter supports the use of the site as a retirement village to enable older people to downsize. Mr Kenny noted that most older people would rather live in a rest home, and he advocated for the proposed retirement village to include medical and hospital care capacity.

46 I note that the proposed use of the site as a retirement village could have medical facilities. Such facilities could be included in a resource consent under the proposed housing for the elderly rule. I also note there is already a medical centre near the subject site.

47 The 'housing for the elderly' definition within the district plan provides for rest homes and for associated medical facilities. Therefore the matter is provided for by the proposed plan change provisions with no further amendment necessary.

Recommendation

48 I recommend that the submission lodged by **Bernard Kenny [2.1]** be accepted.

Submission:
DPC35/3 - Angela Pahl - 3.1

Request of submitter

49 The submitter supports Proposed Plan Change 37, and requests the site be rezoned for a use as a retirement village.

Discussion

50 No specific reasons were stated by the submitter. The proposed plan change would meet the relief sought.

Recommendation

51 I recommend that the submission lodged by **Angela Pahl [3.1]** be accepted.

Submission:
DPC35/4 - Kenneth Ernest Malley – 4.1

Request of submitter

52 The submitter opposes in part Proposed Plan Change 37. The submitter requests that the area proposed to be rezoned is reduced at the playground end of the site (as shown in Map 1 of his submission) to retain more land for the playground. The submitter opposes the direct access off the Strand due to tree removal and severance.

Discussion

53 The full submission has been read and considered, and a summary has been provided by Council. In short, Mr Malley raised three specific points:

- Loss of Recreation Space;
- Traffic/Access; and,
- Financial Considerations.

Loss of Recreation Space

54 The submitter opposes the extent of the area proposed to be rezoned on the basis that more land should be retained in the playground for current use and to enable future development of playground facilities. The land sheltered by trees, has toilets and play facilities. The submitter notes that no other nearby parks have shelter, toilets or are used for general recreation; but serve the purpose of sports grounds. Retaining additional recreation land will also ensure the open recreation character is maintained. The submission identifies an area recommended to be retained for reserve, together with potential ideas for reserve use and infrastructure.

55 The PAOS report² on reserve values considered the proposal together with Council's adopted reserves disposal policy³. The report confirmed that there is sufficient suitable recreation land retained within the wider area, and Council confirmed this through the reserve revocation process. Furthermore, Council's Parks and Gardens Divisional Manager, Bruce Hodgins, has confirmed there is sufficient

² Prepared as part of the reserve revocation process.

³ Reserve Land Acquisition and Disposal: Policy and Guidelines.

recreation and open space in the local community and the 3.9ha portion of Hugh Sinclair Park can be revoked of its reserve status. I also note the balance of reserve land to be retained within Hugh Sinclair Reserve together with the additional provision and area of reserves provided in the nearby area. As such the loss of this portion of the reserve is considered acceptable and it is recommended the request to reduce the area proposed be rejected accordingly.

Traffic/Access

56 The submitter opposes having access to the site off the Strand. I note the proposed plan change does not include The Strand access, which is only an option and would be considered separately through the resource consent process should the plan change become operative. The site has legal and physical access from Hinau Grove and accordingly I have not relied upon The Strand access being forming part of this proposal.

57 Notwithstanding this, the traffic assessment provided by Ms Harriet Fraser of Harriet Fraser Traffic Engineering and Transport Planning for this plan change concluded that the proposed access off The Strand is suitable and increased traffic will not compromise the safety or efficiency of the local roading network. Following the close of submissions, Ms Fraser provided an addendum to her assessment to also comment on the traffic matters associated with the potential residential (non-retirement village) development of the site, together with confirmation that the assessment does not rely on the potential Strand access which does not form part of this proposed plan change.

58 Ms Fraser has confirmed, based on a maximum potential residential development of the site that the roading network could safely and efficiently accommodate the level of associated traffic movements from the site under the proposed rezoning, regardless of whether access is provided off The Stand or Hinau Grove.

Financial Contributions

59 The submitter raises concerns around financial considerations, primarily around the value of the land and property rates. Financial considerations have been adequately addressed on the economic assessment from Market Economics. I consider the land value and property rates to be outside the scope of the plan change consideration under the provisions of the Resource Management Act 1991.

Recommendation

60 I recommended that the submission points raised by **Mr Malley [4.1]** be rejected, to the extent that the provisions of Proposed Plan Change 37 remain unchanged.

Submission:

DPC35/5 – Greater Wellington Regional Council - 5.1

Request of submitter

61 The submitter supports Proposed Plan Change 37, and requests that consideration is given to the recommendations made in the submission.

Discussion

62 Greater Wellington Regional Council (GWRC) made comments in relation to:

- Public Transport
- Parks
- Flood Protection
- Biodiversity

Public Transport

63 The submitter stated that the plan change is suitable in terms of access to public transport, and noted that additional traffic to the site should not cause congestion to the surrounding bus routes. Ms Fraser’s transport assessment concluded that the level of development and associated traffic generation that would be provided by the proposed plan change would not compromise the safety or efficiency of the local roading network, including the operation of the local bus routes. Accordingly, the proposed plan change addresses this matter.

Parks and Recreation Space

64 The submitter noted that while GWRC does not generally support the loss of recreation space, they confirm the proposed site is suitable for development.

Flood Protection

65 Regarding flood risk from the Parkway Drain, GWRC supports the proposed minimum floor level for villas in the proposed retirement village above the 1:100 year return period flood level for the Parkway Drain. I note the proposed plan change proposes future development achieves this standard and thus provides the relief sought.

66 On the matter of minimum floor levels, I can confirm that Wellington Water have provided an updated minimum floor level of 87.7m which is higher than the 86.92m specified within the proposed restricted discretionary matter for the Appendix 99 site. It is possible that the minimum floor level could alter over time. Given the purpose is to ensure floor levels are above the 100 year event level, I recommend the wording should be less specific and instead focus on ensuring minimum floor levels above the 100 year event.

67 In addition, GWRC further request that the access ways serving the villas also be above the 1:100 year extent. The recent flood modelling and advice provided by Wellington Water confirm that the majority of the site would not be prone to a 100 year event. This is supported by the analysis of digital elevation models that show the elevation of the subject site is higher than that of the neighbouring St Claudine Thevenet School Field to the northwest and surrounding land on the true left bank which are more vulnerable to flooding. Consequently, the modelling of a 100 year event flood has identified two discrete areas within the site that would be prone to flooding. These two areas are adjacent to the northern boundary of the Parkway Stream. As such the key access routes within the balance of the site towards Hinau Grove or The Strand would not be affected. Consequently I do not consider it necessary for the access ways to also be clear of the 100 year event.

68 GWRC also consider that healthcare facilities should have a higher standard of flood risk mitigation due to the vulnerability of the patients and thus request the minimum flood level for a 500 year event be required which is consistent with the Hutt River Floodplain Management Plan (“HRFMP”).

69 I have reviewed the HRFMP and sought advice from Wellington Water on this matter, who advise that the Hutt River Floodplain comprises a different character and relationship to that of the Parkway Drain, primarily through supporting a large population and key infrastructure. Consequently, the HRFMP is regionally unique and sets the minimum event size at 500 year ARI to recognise this high level of sensitivity. All modelling elsewhere within the region is undertaken based on a 1:100 year flood event, consistent with the Regional Stormwater Hydraulic Modelling Specification (for 100 year events).

70 Therefore the recent modelling based on the 1:100 year return period is consistent with modelling undertaken for other flood prone areas within Hutt City and is considered suitable. The Parkway Drain does not form part of the HRFMP and based on the modelling and assessment by Wellington Water of the local flooding characteristics I therefore concur with the advice from Wellington Water and consider the application of a 1:100 year event as a suitable modelling event size to set minimum floor levels against. I therefore recommend that the flood risk is adequately provided for by the proposed plan change provisions.

71 GWRC have also recommended that an emergency response management plan be created in accordance with the Hutt City Council CDEM in regard to floods above the 1:100 year extent and request clarity on whether the flood modelling includes climate change assumptions. Wellington Water has advised the most recent hydraulic modelling includes climate change up to 2090 which also provides for freeboard. The councils CDEM responsibilities are informed under separate legislation and will be further supported through the Regional Hazards Strategy currently being drafted and led by GWRC.

Biodiversity

72 GWRC states that any development needs to recognise the potential ecological value of the site and recommends a scoping assessment of the site is undertaken in accordance with the EIANZ Ecological Impact Assessment guidelines. Given the current dominance of grassland and presence of only scattered trees, I agree with the GWRC initial assessment that the site only comprises a low indigenous biodiversity value and therefore do not support the need for a full EIANZ assessment. Accordingly I recommend rejecting this request of the GWRC submission.

73 The submission refers to a number of biodiversity policies in the RPS. These are addressed the policy analysis section of this report. However, in short they propose managing effects on indigenous ecosystems and habitats with biodiversity values. I note that Hutt City Council has not identified the site in the District Plan as a site of ecological significance and that the existing vegetation could be removed as a permitted activity under both the current zoning and that proposed. Furthermore the different character and typology of open space areas as identified in the Council's Reserve Management Plan clarify that the wider context comprising hilly reserve areas and forest vegetation are the more appropriate areas to conserve biodiversity values. Accordingly, I recommend rejecting Greater Wellington's submission points on biodiversity.

Recommendation

74 I recommended that the submission lodged by **Greater Wellington Regional Council [5.1]** be accepted with regard to the request for a minimum floor level

above the 1:100 year flood event. For the reasons provided I recommend that the remainder of the submission lodged by **Greater Wellington Regional Council [5.1]** be rejected to the extent that the provisions of Proposed Plan Change 37 remain unchanged.

Submission:

DPC35/6 - Margaret Benge – 6.1

Request of submitter

75 The submitter supports Proposed Plan Change 37.

Discussion

76 The submitter stated that a retirement and hospital complex is badly needed; and that there is enough play and green area in Wainuiomata near the centre of town.

Recommendation

77 I recommend that the submission lodged by **Margaret Benge [6.1]** be accepted.

8. FURTHER EVALUATION

78 Section 10(1) of the First Schedule requires a local authority to give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed plan change.

79 Section 10(2) of the First Schedule requires the decision to include the reasons for accepting or rejecting the submissions and must also include a further evaluation in accordance with section 32AA. This may include consequential alterations or any other matter arising in relation to the submissions received.

80 In relation to the submission by GWRC on flooding, it is recommended a minor alteration be made to the Restricted Discretionary matter of discretion regarding natural hazards so that rather than specifying a minimum floor level, the matter instead focus on future development achieving a minimum floor level above a 100 year flood event. This would avoid potential limitation of the standard by any future updates to the 100 year event modelling and ensure the focus remains on ensuring minimum floor levels above 100 year events.

81 With the exception of the recommended minor alteration, the submissions generally support the proposed plan change and no other matters have arisen that require consequential alteration to the proposed plan change provisions. As such, pursuant to section 32AA(1)(a), I consider no further evaluation is required as the proposed provisions would otherwise remain unaltered as assessed by the initial evaluation report⁴.

⁴ Section 32 Report notified 19 May 2015.

9. PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT 1991

82 The purpose and principles of the Resource Management Act 1991 (RMA) are detailed in sections 5-8 of Part 2 of the RMA. An assessment of the Proposed Plan Change against Part 2 is provided below.

83 Under section 74(1)(b) of the RMA, a territorial authority must prepare and change its district plan in accordance with Part 2 of the RMA.

9.1 Section 5 Purpose of the RMA

84 Section 5 of the RMA 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.”*

85 I consider the proposed plan change, subject to the recommendations being adopted, is consistent with section 5 of the RMA. The proposed plan change, as recommended, will support the Wainuiomata community to cater for the demand within the local community for a retirement village, and provide a greater variety of housing options for the elderly. The proposed plan change, allowing construction of the retirement village, will also help to maintain the social cohesion of the Wainuiomata community and the social benefits that are associated with this cohesion.

86 A retirement village or other residential development is consistent with the nature and zoning of the surrounding area. The subject site is on the boundary of the General Recreational Activity Area and the General Residential Activity Area zones, and is surrounded to the south and south-west by residential development and local shops. The proposed plan change would therefore result in an extension of the existing concentration of people being located in the residential area and close to the local shops. Residents of the proposed development will be able to easily walk to the shops to purchase goods, supporting economic activity.

87 The proposed plan change will cater for development of smaller sites for the elderly, which will enable a higher level of housing density in the area. However, I consider that the site is appropriate for the anticipated development and can absorb this level of density. The Permitted Activity provisions mean the bulk and form of residential activity in the area can be managed and will be consistent with the surrounding area. Further, Council will maintain control over the design and layout of the any further development through the residential provisions including subdivision, through the consenting process. The Council's discretion will also include considering

residential amenity. As such Council can ensure the residential amenity values of the local community are appropriately addressed.

88 While the proposed plan change will enable the development of land that is currently used for recreational purposes, the Council has adopted a resolution to remove the reserve status of the subject site in August 2013 as the Council considered there to be sufficient reserve land within the community. The Department of Conservation supported this decision in November 2013.

9.2 Section 6 – Matters of National Importance

89 Section 6 of the RMA sets out the matters of national importance which are required to be recognized and provided for when managing the use, development and protection of natural and physical resources.

90 I consider that the proposed plan change is consistent with section 6 of the RMA for the following reasons:

- The subject site is not located within a Significant Cultural Resource as identified within the District Plan;
- The subject site does not contain a wetland, lake or river;
- The subject site is not situated within the coastal environment; and
- The subject site is not within a Significant Natural Resource as identified in the District Plan.

91 The proposed plan change provisions will address flood risk to the subject site including consequences of the flood on potential developments. Further development within the Appendix 99 area will be required to be above the 1:100 year flood event, including the provision of freeboard. I consider this approach will adequately address the flood risk posed to the subject site.

9.3 Section 7 – Other Matters

92 Section 7 of the RMA details the other matters which are required to be given particular regard to when managing the use, development and protection of natural and physical resources. Of particular relevance are the following matters under section 7:

- (b) the efficient use and development of natural and physical resources; and
- (c) the maintenance and enhancement of amenity values.

93 I consider that the proposed plan change is consistent with section 7 of the Act for the following reasons:

- The subject site is an appropriate location for a retirement village as residential land use is consistent with the surrounding area to the south and south-west of the subject site, and the subject site is located close to the main shopping centre and transport routes in Wainuiomata;
- The proposed residential development on the subject site, including access to the subject site, will be able to utilise the existing roading network without compromising its efficiency or safety;

- The existing services within the local environment have sufficient capacity to service future residential development on the subject site;
- The subject site can absorb the level of density anticipated by residential development on the site, and the residential use of the site is consistent with the established character and visual amenity values of the wider built environment;
- There is sufficient recreational opportunities available in the local area to ensure the recreational needs of the local community remain met;
- Development on the subject site can be appropriately managed through the existing and proposed District Plan objectives, policies and rules relating to the General Residential Activity Area – Medium Density as recommended.

9.4 Section 8 – Treaty of Waitangi

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

95 The principles of the Treaty of Waitangi have been taken into account in the analysis of this proposed plan change. The site is not situated within or near any sites or areas which are identified in the District Plan as being significant to Maori. Council has carried out consultation with the local iwi authorities as part of the statutory consultation during the formation of the plan change and the local iwi authorities have not raised any concerns regarding the proposal throughout this process.

10. NATIONAL, REGIONAL AND LOCAL POLICY ANALYSIS

96 A number of national, regional and local policy instruments are relevant to this proposed plan change. The following section provides an assessment against these instruments, and in particular:

- National Environmental Standards for Assessment and Managing Contaminants in Soil to Protect Human Health (Contaminated Land NES);
- Wellington Regional Policy Statement (RPS);
- Operative Wellington Regional Plans;
- Proposed Wellington Regional Natural Resources Plan;
- Wellington Regional Strategy;
- Consistency with surrounding District Plans; and
- Relationship with Hutt City Council Strategies and Plans.

10.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

97 This National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (Contaminated Land NES) applies to earthworks, subdivision and change in land use on sites that are or are likely to be classed on the Ministry for the Environment’s Hazardous Activities or Industries List (HAIL).

98 I have taken the Contaminated Land NES into account and confirm that the land at Hugh Sinclair Park has always been vacant or reserve land, and has not or is not being used for HAIL listed activities. Furthermore, the site is not shown on Greater Wellington’s Selected Land Use Register (SLUR) to be contaminated land.

10.2 Regional Policy Statement for the Wellington Region

99 The Regional Policy Statement (RPS) for the Wellington Region sets out the regional perspective for managing the environment, and providing for growth and its effects. The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region’s natural and physical resources.

100 I consider the objectives and policies of the RPS most relevant to the proposed plan change are those associated with natural hazards; regional form, design and function; and ecology and biodiversity. An assessment against these policies and objectives is provided below.

101 Natural Hazards (section 3.8)

Objectives	
19	The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.
20	Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.
21	Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.
Policies	
29	Avoiding inappropriate subdivision and development in areas at high risk from natural hazards – district and regional plans.
51	Minimising the risks and consequences of natural hazards – consideration.
52	Minimising adverse effects of hazard mitigation measures – consideration.

102 Recent modelling by Wellington Water has confirmed some parts of the subject site are prone to inundation during a 1:100 year flood from the Parkway Drain. Wellington Water have advised appropriate minimum flood levels for the site, accounting for climate change and addition freeboard. The scope and scale of the sites vulnerability to flooding do not lead it to be considered as “high risk” in terms of Policy 29. Furthermore I note the minimum floor levels would be set above the 100 year event flood levels as modelled and therefore consistent with Policy 51 which requires floor levels to be located above the 100 year flood event.

103 The proposed provisions within the plan change address these matters and therefore I consider the proposed plan change consistent with the identified policies and objectives of the RPS relating to natural hazards, and in particular flood hazards, on the subject site.

Regional Form, Design and Function (section 3.9)

Objectives	
22	A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and: <ul style="list-style-type: none"> (d) Development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy; (e) Urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form; (g) A range of housing (including affordable housing); (i) Integrated land use and transportation; (k) Efficiently use existing infrastructure (including transport network infrastructure).
Policies	
31	Identifying and promoting higher density and mixed use development – district plans.
33	Supporting a compact, well designed and sustainable regional form – Regional Land Transport Strategy.
54	Achieving the region's urban design principles – consideration.
55	Maintaining a compact, well designed and sustainable regional form – consideration.
58	Co-ordinating land use with development and operation of infrastructure – consideration.
67	Maintaining and enhancing a compact, well designed and sustainable regional form – non-regulatory.

105 I consider the proposed plan change, subject to my recommendations, is consistent with policies and objectives in the RPS regarding regional form, design and function for the following reasons:

- The proposed plan change will provide for a wider variety of housing options for the elderly in the community;
- The subject site is located within walking distance of an existing shopping centre;
- The proposed plan change represents a higher density development within an area that can appropriately support this density of development; and
- The proposed rules ensure future development will be suitably designed and constructed in accordance with the multi-unit design guide of the District Plan, and amenity values will be addressed through the consenting process.

Indigenous Ecosystems (section 3.6)

Objectives	
16	Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.
Policies	
23	Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.
47	Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration.

107 The subject site primarily consists of mowed lawn and grasses, and it is not identified under the District or Wellington Regional Plans as being a significant ecosystem or habitat in accordance with Policy 23 and 47. Accordingly, the proposed plan change can be considered generally consistent with the identified objective and policies.

108 Conclusion

109 Overall, I consider that the proposed plan change is consistent with the objectives and policies of the RPS.

10.3 Operative Greater Wellington Regional Plans

110 The Operative Greater Wellington Regional Plans that are most relevant to the proposed plan change are:

- The Regional Discharges to Land Plan; and
- The Regional Soil Plan.

111 The Regional Discharges to Land Plan addresses all activities associated with stormwater discharges to land that will arise through the proposed development. The Regional Soil Plan addresses all earthworks and vegetation clearance activities associated with the proposed development.

112 I consider that the stormwater system, earthworks and vegetation clearance plan can be designed and constructed in a manner that is consistent with the objectives, policies and rules of these regional plans.

10.4 Proposed Natural Resources Plan for the Wellington Region

113 The Proposed Natural Resources Plan (PNRP) for the Wellington Region was publicly notified on 31 July 2015, which was after the date for notification of this plan change. The PNRP addresses all regional planning matters, including air, soil, water and coastal matters. While the PNRP is not yet operative, all rules in the PNRP have immediate legal effect from the date of notification.

114 As the PNRP was notified after the date this proposed plan change was notified, it can be disregarded. However, for completeness I have considered the relevant sections as they relate to the proposed plan change.

115 The objectives, policies and rules of the PNRP that are relevant to the proposed plan change are those associated with:

- Beneficial use and development;
- Natural form and function;
- Natural hazards;
- Stormwater;
- Land use; and
- Earthworks and vegetation clearance.

116 I consider that the proposed development, including stormwater, natural hazards, earthworks and vegetation clearance activities, can be designed and constructed in a manner that is consistent with the objectives, policies and rules of the PNRP.

10.5 The Wellington Regional Strategy

117 The Wellington Regional Strategy (WRS) is a sustainable growth strategy that has been developed by the nine local authorities within the Greater Wellington Region, in conjunction with Central Government, and the region's business, education, research, and voluntary sector interests.

118 The WRS aims to build a resilient, diverse economy which is one that retains and creates jobs (especially high value jobs), supports the growth of high value companies and improves the region's position in relation to national GDP and national employment.

119 The proposed plan change would allow for the development of the site in a manner that would support employment and economic growth, as it enables growth and higher density of an area close to local shops and facilities. The construction and operation of a retirement village or residential units would provide employment opportunities, further supporting economic growth.

120 As such, I therefore consider that the proposed plan change, including the recommended provisions, is consistent with the outcomes sought within the WRS.

10.6 Consistency with surrounding District Plans

121 In some areas, activities may affect more than one district, requiring assessment against surrounding district plans to ensure consistency. In this instance, the proposed plan change is for a relatively small piece of land in the centre of Wainuiomata. I therefore consider that the proposed plan change does not need to be assessed against District Plans of surrounding territorial authorities.

122 In addition, Council has consulted with local authorities in the region as part of the preparation of this proposed plan change but no comments or feedback was received.

10.7 Relationship with Hutt City Council Strategies and Plans

123 As the proposed plan change is to the District Plan, it is therefore important to ensure the proposed plan change is consistent with the District Plan and other relevant local Council strategies, in particular Hutt City's Urban Growth Strategy. The following section assesses the proposed plan change for consistency against the Urban Growth Strategy, the general and specific objectives and policies of the District Plan, and other local relevant strategies and plans.

10.7.1 Hutt City Urban Growth Strategy

124 In 2014, Council approved the Urban Growth Strategy (UGS), which sets out the long term approach to managing growth and change for Hutt City.

125 The UGS recognises the need for more retirement villages to provide housing for the aging population. The strategy identifies that there is currently an unmet demand of around 5 - 10 retirement villages and this would increase by another 5 - 10 retirement villages over the next 20 years. In this regard, I consider the proposed plan change to be consistent with the UGS as it would encourage and enable the development of a retirement village and allow for some of this demand to be accommodated.

126 The UGS notes that greenfield land is in short supply and Council will partner with developers to provide for development of greenfield land in Wainuiomata for housing. While the proposed plan change area is not one of the greenfield development sites identified within the UGS, it nevertheless assists in fulfilling the identified lack within Wainuiomata.

127 Overall, I consider the proposed plan change is consistent with the UGS.

10.7.2 District Plan

10.7.2.1 Area Wide Objectives

128 Chapter 1 of the District Plan identifies the area wide objectives and policies which the District Plan seeks to achieve. The area wide objectives and policies which are considered to be relevant to the proposal are as follows:

129 **Resource Management and the Tangata Whenua of Lower Hutt (Objective 1.10.1)**

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.

130 I consider the proposed plan change, as recommended, to be consistent with the objectives and policies of section 1.10.1 for the following reasons:

- The principles of the Treaty of Waitangi have been taken into account in the analysis of this plan change;
- The subject site is not situated within or near any sites or areas which are identified in the District Plan as being significant to Maori; and
- The Council has consulted with the local iwi authorities as part of the statutory consultation during the formation of the plan change and no concerns with the proposal have been raised.

131 **Amenity Value (Objective 1.10.2)**

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.

132 The Explanation and Reasons for Objective 1.10.2 recognise that the General Residential Activity Area, which currently surrounds the southern section of the subject site, accounts for much of the residential development in Lower Hutt. It is dominated by single dwellings but also contains a variety of other housing styles including a limited number of multi-unit developments. Generally sites in this area have a flat topography, and are well developed with maturing domestic scale landscape and planting.

133 Given the subject site has a flat topography and will enable a variety of dwelling styles consistent with the General Residential Activity Area, I consider the proposed plan change as recommended is consistent with Objective 1.10.2 regarding amenity of the area.

134 **Residential Activity (Objective 1.10.3)**

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: <ul style="list-style-type: none"> (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.

135 The subject site directly adjoins an established residential area, serviced by existing infrastructure and social, recreational and cultural facilities (such as the schools, churches and shops situated in the Wainuiomata Shopping Centre). The subject site is located close to main transport links and the local roading network has been assessed as being able to accommodate the additional traffic flow which is likely to result from future development of the site for a retirement village.

136 I therefore consider that the proposal aligns with Objective 1.10.3 as it will allow for residential development or a retirement village to be developed within the urban boundaries of Wainuiomata.

137 **Open Space and Recreation (Objective 1.10.6)**

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.
Policy
<ul style="list-style-type: none"> (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. (e) To restrict the development of buildings and structures to ensure the open space characteristics and amenity values of land within the Recreation and Open Space Activity Area are maintained and enhanced.

138 While the proposed plan change will allow development on a site that is currently used for recreational activities, the Council made a decision in August 2013 to allow the reserve status of the land to be revoked, which was supported by the Department of Conservation. The Council decided the reserve status could be revoked on the basis that this is still sufficient reserve areas in the community to cater for recreational activities. Further, the site is not an outstanding natural landscape, does not contain any identified heritage features and there are no stands of ecologically significant vegetation on the site.

139 I therefore consider that the proposed plan change is consistent with Objective 1.10.6 relating to open spaces and recreation.

140 **Lessening Natural Hazards (Objective 1.10.11)**

Objective
To avoid or mitigate the vulnerability and risk of people and development to natural hazards.
Policy
(c) To limit the scale and density of development in areas where the risk of flooding is medium to high.

141 The modelling by Wellington Water has identified the areas prone to a 100 year flood event and accordingly the appropriate minimum floor level for development within the site. The proposed provisions for the subject site require development above the 1:100 year level and thus are consistent with this objective and policy.

142 I therefore consider that the proposed plan change will adequately address the natural hazard risks associated with the proposed development.

143 **Conclusion**

144 Overall, I consider that the proposed plan change is consistent with the area wide objectives and policies of the District Plan.

10.7.2.2 Specific District Plan Objectives and Policies

145 Chapter 4 of the District Plan outlines objectives and policies of the General Residential Activity Area – Medium Density; and Chapter 7 outlines the objectives and policies relevant to the Recreation areas. The objectives and policies in these chapters, which I considered to be relevant to this proposal are as follows.

146 **General Residential Activity Area Objectives and Policies**

147 **Residential Character and Amenity Value (section 4A 1.1.1)**

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

Medium Density Residential Development (section 4A .1.2)

Objective
To ensure opportunity is made for medium density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely and where there is appropriate servicing of development.
Policy
<p>(a) That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely and where there is appropriate servicing of development.</p> <p>(b) To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.</p> <p>(c) That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (Appendix 19) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.</p>

Building Height, Scale, Intensity and Location (section 4A 1.2.1)

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.
Policy
<p>(a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.</p> <p>(b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without effecting adversely the amenity values.</p> <p>(c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.</p> <p>(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.</p> <p>(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.</p> <p>(f) To manage the siting of all buildings so as to minimise detracting from the</p>

amenities of adjoining properties.

- (h) That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.
- (j) To ensure that the developments are in general accordance with the Design Guide for Medium Density Housing (Appendix 19) to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns and low environmental impact.

Assessment

150 I consider that the proposed plan change is consistent with the objectives and policies relating to General Residential Activity Area – Medium Density in the District Plan for the following reasons:

- the provisions seek to ensure that any development undertaken on the site is consistent with the character of the local environment and maintains the amenity values of the surrounding residential properties;
- the provisions support a higher density development subject to developments being consistent with the design guide; and
- given the nature of any future retirement village on the site these objectives and policies are appropriate in light of the proposed rule.

151 In addition, no changes are proposed to the objectives, policies and rules of the General Residential Activity Area – Medium Density as part of this proposed plan change. I consider that these objectives and policies provide a suitable framework upon which the environmental effects from any future retirement village can be considered. I also consider that the proposed rules are appropriately supported by these existing objectives and policies.

10.7.3 Other Strategies and Plans

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

- Integrated Vision 2014 (which specifically mentions a retirement village in Wainuiomata);
- Long Term Plan (LTP) 2012;
- Economic Development Strategy 2009 – 2014;
- Environmental Sustainability Strategy 2009-2014;
- Reserves Policy 2004;
- Reserves Key Directions Strategy; and
- Reserve Land Acquisition and Disposal: Policy and Guidelines.

153 I consider the proposed plan change to be consistent with the outcomes sought under the above strategies and plans.

11 SUMMARY

154 The proposed plan change is seeking to rezone a portion of 39 Fitzherbert Road, Wainuiomata (Hugh Sinclair Park). The purpose of the proposed plan change is to rezone a portion of this property from its current General Recreation Zoning so that it is zoned to General Residential Activity Area - Medium Density, to facilitate the use of the area subject to the plan change for a retirement village. The remainder of the site is not subject to this proposed plan change and will retain its current zoning of General Recreation Activity Area.

155 It is proposed to introduce a new site specific provision to Chapter 4A of the District Plan that provides for development of a retirement village on the site as a Restricted Discretionary Activity. It is proposed the Council restricts its discretion to certain matters which are considered to address the relevant environmental effects associated with the establishment of a retirement village on the site.

156 A total of six submissions were received on the proposed plan change, four of which were in full support of the application. Relevant matters raised by the other two submissions include flood risk. A minor consequential amendment to the proposed matter of discretion addressing natural hazards has been recommended to clarify the purpose of the discretionary matter is to achieve a minimum floor level above a 100 year scale event. I consider there to be no other outstanding issues with the proposed plan change.

157 An analysis has been undertaken of the relevant national, regional and local policy statements, plans and other non-statutory documents; including with Part 2 of the RMA. I consider the proposed Plan Change to be consistent with this national, regional and local policy framework.

12 PLANNER'S RECOMMENDATION

158 I recommend that Plan Change 37 be granted, subject to the recommended alteration to the Restricted Discretionary Activity matter regarding Natural Hazards, as follows:

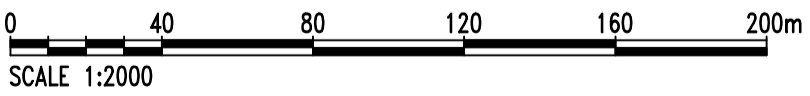
“(v) Natural Hazards

The extent to which the proposal addresses the flood risk to the site, including ensuring that the floor level of any habitable space is constructed above the 1:100 year flood level for Parkway Drain.”

Appendix 1: Location Plan – Hugh Sinclair Park, Wainuiomata



AREA PROPOSED TO BE
REZONED MEDIUM DENSITY
GENERAL RESIDENTIAL



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JOB
**PROPOSED REZONING OF
PT LOT 4 DP 23636, HUGH SINCLAIR PARK,
WAINUIOMATA**

CLIENT
HUTT CITY COUNCIL

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SCALE 1:2000		SIZE A3
FIELDWORK	NAME	DATE
DESIGNED	JB	01/15
DRAWN	KML	01/15
CHECKED	JB	01/15
DRAWING NUMBER 28252SK2		SHEET 1 OF 1 SHEETS
REVISION		—

Appendix 2: Retirement Village Concept Plan

FREDERICK WISE PARK



- NOTES
- CONCEPT DESIGN ONLY
 - SUBJECT TO ACCURATE SURVEY TOPOGRAPHICAL PLAN.
 - TOWN PLANNING ZONE CHANGE

VILLA SCHEDULE

1 X BEDRM - RELOCATED	= 28
2 X BEDRM	= 76
TOTAL	104

- AGED CARE HOSPITAL
- 46 SUITES
 - 6 WHANAU SUITES
- GARAGES/CARPORTS = 51
- VISITOR PARKING
 - IN FRONT OF GARAGES
 - STREET-SIDE

- ROADING - SHARED WITH PEDESTRIANS
- AVERAGE 7.5M WIDE
 - FLAT MOUNTABLE KERBS
 - SURFACE WATER TO SWALES & DETENTION PONDS FOR REUSE

walkways integrated through village landscaping features courtyard, vine garden, fruit trees, composting water features

CATHOLIC SCHOOL

playground/skate park

GATES

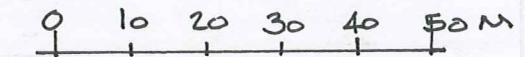
ENTRY

THE STRAND

RETAIL

MEDICAL CENTRE

HINAI GROVE pedestrian access



FEASIBILITY STUDY
 CONCEPTUAL MASTER PLANNING - OPTION #2
 WAINUIOMATA RETIREMENT VILLAGE - THE MASONIC TRUST 01 FEB 2011

architects
 pacific environments nz ltd

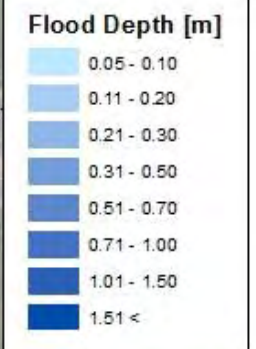
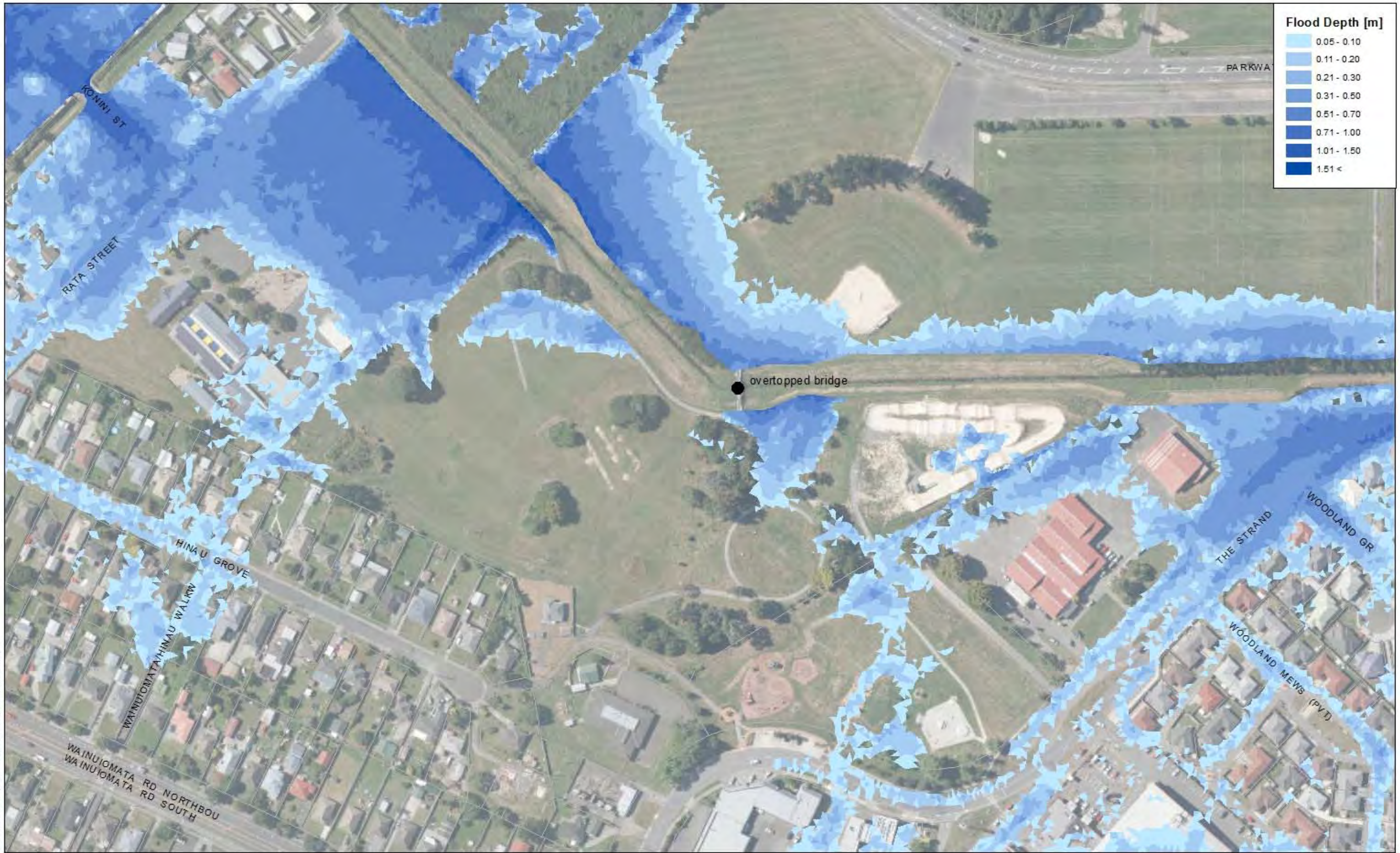
DIRECTORS Peter C Eising BArch ANZIA NZCDArch
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Appendix 3: Wellington Water Flood Plan



FILENAME: G:\GIS_Corps\HRC\WAPS\HRC_Base_Map.mxd PLOT DATE: 31/03/2015 2:21:00 p.m.

DATA STATEMENT

Cadastral information derived from Land Information New Zealand's Landline Cadastral Database. © CROWN COPYRIGHT RESERVED

Property boundaries may not be survey-accurate, and can only be verified by a licensed cadastral surveyor.

Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design.

Other data has been compiled from a variety of sources and its accuracy may vary.

Wellington Water cannot guarantee the completeness of the information displayed.

Aerial Photography flown in 2013 and produced by NZAM under the Creative Commons New Zealand v3.0 license.

This map is drawn on the New Zealand Transverse Mercator projection, using New Zealand Geodetic Datum 2000.

TITLE

Hugh Sinclair Park

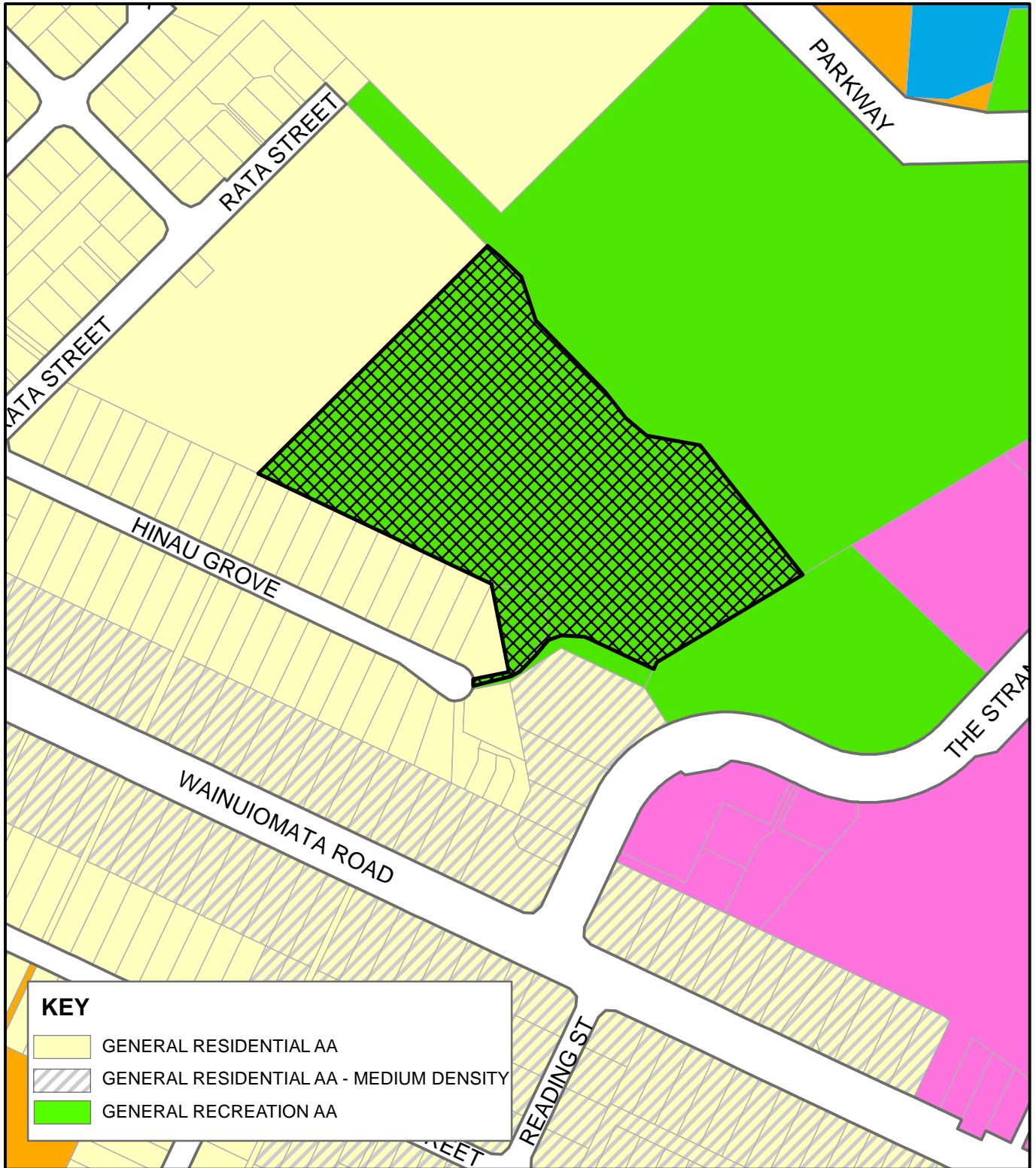
100 ARI Flood Depth (Climate Change & Future Development)

N

SCALE **1:1,900**

0 10 20 30 40 50 m

Appendix 4: Proposed Plan Change 37 Zoning Map as recommended



Proposed Plan Change 37

39 Fitzherbert Road, Hugh Sinclair Park, Wainuiomata

 Land to be zoned General Residential Activity Area - Medium Density

Planning Maps E6 and E7



District Plan - City of Lower Hutt



Scale 1:3500

Appendix 5: Proposed Plan Change 37 Appendix 99 Map as recommended

Appendix General Residential 99

