

RMA Form 5

# Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

## Privacy Statement

Your submission must include your name, and an address for service (preferably email, but you can use a postal address). All information you include in this submission, including your name and address for service, will be provided to other submitters and published on Hutt City Council's website. Paper copies may also be made available. Hutt City Council is required to collect and publish this information to carry out its functions under the Resource Management Act 1991 and to enable others to take part in the district plan process. The Council, other submitters, and the Environment Court may need to contact you during this process.

If your submission does not include your name and an address for service, it will be rejected.

While the Council will retain all information provided in your submission in secure council systems, all contact details will be removed from any documents published on Council's website once the district plan process is complete. However, your name and the contents of your submission will still appear in these documents.

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at [contact@huttcity.govt.nz](mailto:contact@huttcity.govt.nz), call 04-570-6666, or write to us at Private Bag 31912, Lower Hutt 5040.

To: Chief Executive, Hutt City Council

Via email to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from Sanna and Mark McGavin on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is [mcgavin\\_mark@yahoo.co.nz](mailto:mcgavin_mark@yahoo.co.nz).
3. I could not gain an advantage in trade competition through this submission.
4. Deleted as no trade competition advantage.

5. The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the section table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
6. I wish to be heard in support of my submission.
7. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

## Decisions Requested

### Submission Point 1

#### Chapter: Maps (Zoning)

Provision: Proposed Mixed Use Zoning of the land at Nos. 35 – 39 Major Drive, Kelson.

Position: We oppose the proposed mixed use zoning of this property.

Relief Sought: Inclusion of the subject land within the Medium Density Residential Zone.

#### Reasons:

We oppose the proposed spot zoning of the property at 35-39 Major Drive Kelson as Mixed Use Zone. My family and I live opposite this property in our home at 46 Major Drive. In summary, we do not believe that this property should be zoned Mixed Use due the uncertainty that this would bring for neighbouring residential properties and the potential for Mixed Use zoning to enable a less sympathetic commercial use that would be incongruous with the established residential character and associated living conditions of the area.

As general background, this subject property is 2,238m<sup>2</sup> in area across three lots held in a single record of title that. The land is currently within the Medium Density Residential Zone and the General Recreation Zone.

The southern end of the site provides a two storey building with commercial (retail) use at ground floor fronting the road and what appears to be residential use at first floor level. Residential use continues to the rear of the road frontage retail space. Land falls steeply away from the rear of the platform of this building. The land also falls towards the north, such that the remainder of the site is below road level. A small commercial warehouse is provided on this northern part of the site.

The site is located within an established residential area characterised by detached homes, with the development density largely dictated by the hill slope topography of the area and the general age of the suburban development. This surrounding residential land is within the Medium Density Residential Zone of the draft district plan.

The subject property is located on the outside of a relatively tight curve with constrained forward visibility for vehicles travelling both southward downhill and northward uphill. This is a significant matter to us, as the road environment is commonly challenging for people and further complication of additional car parking, servicing or a larger building may exacerbate existing traffic safety issues.

While the property has a history of mixed retail and residential use, the principal retail outlet was until recently in use as a Four Square supermarket that served the convenience retail needs of the local community. I do not know if this operated on existing use rights or through resource consent.

While the Four Square supermarket did result in some conflict with neighbouring residential properties through noise, general disturbance and through traffic movement and inevitable car parking conflict, this was generally accepted by residents as being offset by the convenience of having the retail offering available for the community.

We have in recent years had two incidents with vehicle damage necessitating insurance claims. This provides an indication of the road environment in immediate proximity of the subject site and the adjacent road curve.

Respectfully, we do not believe it is in the community interests to spot zone this property. We believe that it should be included within the Medium Density Residential Zone to enable greater resource consent control of activity and development of the site (on the basis that Council believes that the northern part of the site should be moved from the General Recreation Zone). Existing uses and building envelope would be expected to be protected and readily continue under existing use rights.

Again, while the community accepted the externalities of the Four Square on the basis of the overall community benefit of having convenience retail in proximity, it would be difficult to accept externalities from a commercial/retail use that was less beneficial to the community. For example, a vape shop or bottle store would provide limited community benefit but could generate wholly unacceptable and unsustainable, in terms of the capacity of the immediate road environment, levels of traffic. Retaining control through resource consenting is necessary to ensure that we do not suffer a loss of residential amenity within this established suburban area.

Reviewing the Mixed Use Zone objectives and policies, we see specific conflict with objective MUZ-O2, as this references providing activity flexibility including light manufacturing and servicing (our concern being noise and disturbance and how such a use would be serviced) and general wider

inconsistency between the small area of the subject land and the broader Mixed Use Zone principles set out in the objectives and policies. In general, We do not believe that the small site is consistent with the intention of Mixed Use Zone areas. This is an isolated site within a consolidated residential community. It has a history of commercial use, but this should not be taken to allow for intensification of commercial activity on the site.

We note also that many of the activities that are more appropriately directed to an industrial zone are only classified as discretionary activities within the Mixed Use Zone rather than non-complying, implying an acceptance for them in appropriate circumstances. This is troubling as it may have the effect of encouraging such development rather than providing the clear signal of non-complying activity status. The preclusion of notification processes by MUZ-R14 is concerning, as this would prevent neighbours having an opportunity to provide commentary and local understanding to development schemes.

The property is held in common ownership and does provide potential for site redevelopment. Undertaking redevelopment with the allowances of the Mixed Use Zone would provide for buildings of up to 22m in height, twice that of the 11m restriction of the surrounding zone and substantially greater than the established character of the surrounding area. In our view, this development envelope allowance is too much for the site in relation to surrounding homes.

## Submission Point 2

### Chapter: Maps (Slope Assessment Overlay Zoning)

Provision: Inclusion of 46 Major Drive within Slope Assessment Overlay and objection to principle of slope assessment overlay.

Position: We oppose the inclusion of our property within the slope assessment overlay.

Relief Sought: (a) Exclusion of the subject property from the Slope Assessment Overlay and (b) wider reconsideration of the inclusion of this overlay in the proposed district plan.

### Reasons:

We object to the principle of the slope assessment overlay and the inclusion of our property within the overlay. While recognition of natural hazards is important to us all, the consequences of including our property within this overlay far outweigh the potential benefits. In our view the slope assessment overlay should not be included as a district plan overlay and should be held as a GIS natural hazards layer.

The information relied upon is incomplete and has not provided site specific analysis of all properties within the overlay. Given the significance of the overlay, we would expect site specific assessment of every property rather than high level computer modelling before being included.

Subdivision and development of land is already subject to the geotechnical assessment provisions of the building act and to s106 of the Resource Management Act. These provisions already trigger land assessment to inform development.

The Proposed District Plan provisions will require costly geotechnical investigation for activities such as earthworks within the overlay, even where potential effects are internalised. This is a significant and unfair cost burden on property owners on the basis of high level hazard modelling. Inclusion as a district plan hazard layer will also inevitably lead to higher insurance costs to reflect the identification of a hazard affecting the property within a statutory document.

In the absence of fine grain confidence in the high level data used to inform the overlay, we seek the exclusion of our property from the overlay. We also seek the wider reconsideration of inclusion of the overlay in the proposed district plan along with the related objectives, policies and rules through the Natural Hazards, Subdivision and Earthworks chapters.