

SUBMISSION ON
HUTT CITY COUNCIL - PROPOSED DISTRICT PLAN

To: Chief Executive, Hutt City Council
Via email to: district.plan@huttcity.govt.nz

Submission on: Proposed Lower Hutt District Plan 2025

Name of Submitter: John Havler

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- This is a submission by Mr John Havler concerning the Proposed District Plan as notified by Hutt City Council on 6 February 2025.
- The specific provision of the Proposed District Plan that this submission relates to is the proposed zoning of the site at 452 Cambridge Terrace, Naenae as Large Lot Residential Zone.
- Mr Havler could not gain an advantage in trade competition through this submission.
- Mr Havler wishes to be heard in support of this submission and will consider presenting a joint case if others make a similar submission.
- **Mr Havler requests the zoning of the site at 452 Cambridge Terrace, Naenae as Medium Density Residential Zone.**

SITE CONTEXT

This submission relates to the site at 452 Cambridge Terrace, Naenae.



Figure 1: 452 Cambridge Terrace (Source: GRIP)

The site can be described as follows:

Address	452 Cambridge Terrace, Naenae
Size	7.39ha
Title	576029
Parcel ID	7575492
Legal description	Lot 7 DP 451628 RT 576029
Location	The site is located to the rear of residential properties along Cambridge Terrace and Kowhai Street and adjacent to Taita Cemetery
Operative DP Zoning	Hill Residential Activity Area
Operative DP Overlays	<ul style="list-style-type: none"> ▪ SNR 12 (in part) ▪ Flood Hazard Overlay (marginal)
Draft DP Zoning	Large Lot Residential Zone
Draft DP Overlays	<ul style="list-style-type: none"> ▪ Flood Hazard Inundation Overlay (marginal)
Proposed DP Zoning	Large Lot Residential Zone
Proposed DP Overlays	<ul style="list-style-type: none"> ▪ Slope Assessment Overlay ▪ Low Flood Hazard Overlay (marginal)
Current Use and Development	Currently undeveloped and mostly covered in vegetation. No rivers, streams or wetlands are known to be on the site.

	<p>The site contains a small, sealed area that forms part of the driveway and access for the adjoining residential properties at 440 to 451 Cambridge Road.</p> <p>The most recent granted resource consent for the site relates to earthworks and a boundary adjustment (RM230100).</p>
Surrounding Area	<p>The site is surrounded by residential land to the south and west, industrial and commercial activities to the north and reserve land and the Taita Cemetery to the east.</p> <p>Current Zoning</p> <ul style="list-style-type: none"> ▪ Medium Density Residential and High Density Residential to the south and west ▪ General Business to the north ▪ General Recreation and Passive Recreation to the east <p>Proposed Zoning</p> <ul style="list-style-type: none"> ▪ Medium Density Residential and High Density Residential to the south and west ▪ General Industrial to the north ▪ Open Space and Natural Open Space to the east

PLANNING CONTEXT

Operative District Plan

Under the Operative District Plan the site at 452 Cambridge Terrace is zoned as Hill Residential Activity Area and partially covered by SNR 12 (eastern portion of the site). It is also marginally affected by Flood Inundation Overlay along the western boundary. No other precincts or overlays apply.

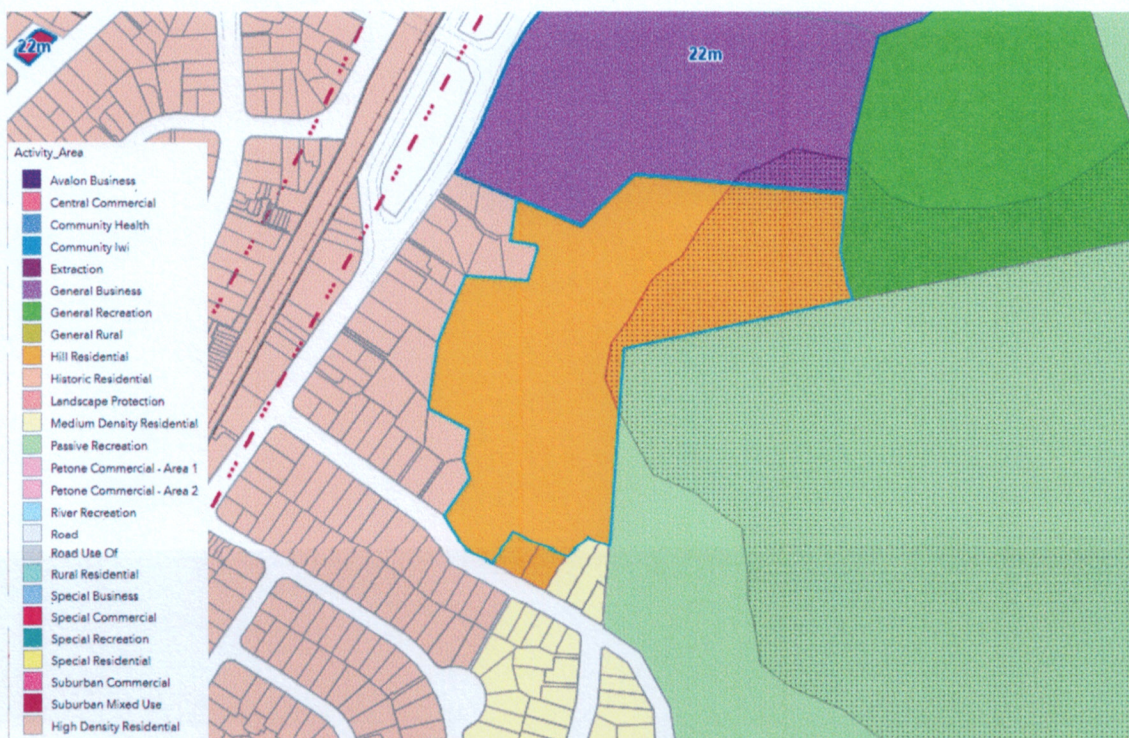


Figure 2: ODP Zones (Source: HCC GIS Viewer)

The Hill Residential Activity Area covers developed residential land on the hill sides of Hutt City and recognises the related amenity values and constraints. It provides predominantly for residential activities and is characterised by low density development.

Plan Change 56

Plan Change 56 (PC56) introduced changes to the operative plan to introduce Medium Density Residential Standards and give effect to the National Policy Statement on Urban Development. The focus of the plan change was on urban zones and it did not propose any changes to the Hill Residential Activity Area.

Design Network Architecture on behalf of Mr Havler made a submission on PC56 requesting the rezoning of the sites at 452 Cambridge Terrace, 33 Kowhai Street and 35 Kowhai Street from Hill Residential to Medium Density Residential Activity Area.

The S42A report prepared by Council did not support the decision requested, mainly based on scope issues:

- 586 *Design Network Architecture (178.1) request 452 Cambridge Terrace, 33 Kowhai Street and 35 Kowhai Street, Naenae be rezoned from Hill Residential to Medium Density Residential. Parts of Naenae currently zoned General Residential are proposed to be zoned Medium Density Residential as part of the city-wide changes to zoning of residential land. As 452 Cambridge Terrace, 33 Kowhai Street and 35 Kowhai Street, Naenae are currently zoned Hill Residential, making a significant change in policy direction for rural areas or hill residential areas (e.g. rezoning land) is not part of this plan change which is targeted to urban intensification and is outside the scope of the ISPP. It is recommended this submission is rejected. (paragraph of the officer's report for PC56)*

The hearing panel in their recommended decisions followed the in officer's recommendation and made no changes to the zoning of the sites:

- 3.8.19 *In addition to the aforementioned spot zoning requests from HDRAA and MDRAA to Hill Residential, several submitters also requested spot rezonings in the other 'direction'; namely, rezoning of areas currently zoned Hill Residential to MDRAA or HDRAA. Mr Thornton also provided evidence supporting the rezoning requests in Stokes Valley and Wainuiomata. This included the Silverstream Park Christian Centre at 320 Eastern Hutt Road, Stokes Valley.*
- 3.8.20 *At our direction, Ms Wheatley considered the merits of each of these requests, however the legal opinion provided by Mr Quinn confirmed that these site specific, spot zoning requests are out of the scope of PC56 and if they were ever pursued it should be through the full District Plan review. We therefore accept the recommendations of Ms Wheatley, set out in the Council Officers Reply Statement. Accordingly, there are no changes to the maps in Appendix 4.*

Subsequently the requested rezoning has been raised and discussed with the District Plan team for consideration as part of the full District Plan review process.

Draft District Plan

Under the Draft District Plan the site at 452 Cambridge Terrace was proposed to be zoned as Large Lot Residential Zone and was marginally affected by the Flood Inundation Overlay along the western boundary. No other precincts or overlays applied to the site.

Mr Havler provided feedback on the Draft District Plan and requested the rezoning of site at 452 Cambridge Road. While the preferred option would have been the rezoning to High Density Residential the feedback provided two alternative options – Option A proposed the rezoning to Medium Density Residential while Option B proposed to rezone the flatter areas to High Density Residential while retaining the steeper parts of the site as Large Lot Residential.

Proposed District Plan

The Proposed District Plan seeks the zoning of the site at 452 Cambridge Road as Large Lot Residential and introduces a Slope Assessment Overlay that applies to most of the site.

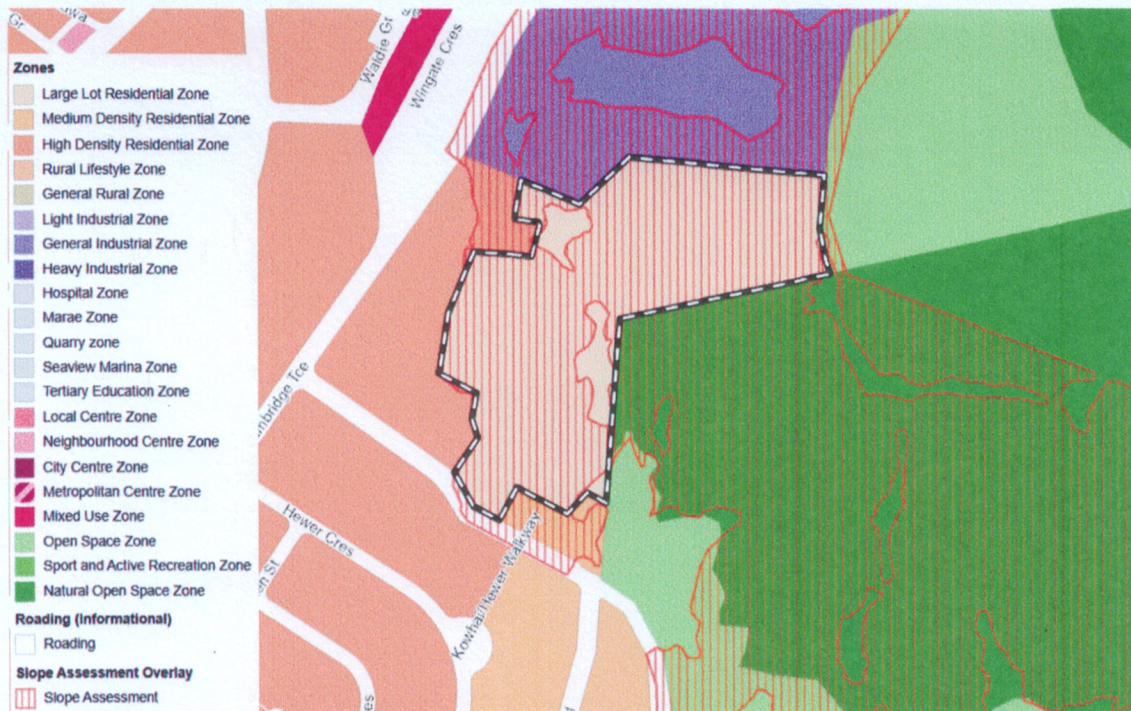


Figure 3: PDP Zones and Overlays (Source: HCC Proposed District Plan Viewer)

Large Lot Residential Zone

The proposed Large Lot Residential Zone applies to areas where medium to high density development is generally inappropriate due to a lack of reticulated water, wastewater, or stormwater services, or access constraints. The zone primarily provides for a mix of larger residential lots with detached housing types, including standalone houses, minor dwellings, and semi-detached houses.

Slope Assessment Overlay

The Slope Assessment Overlay has been assigned a Medium Hazard Rating. Under the proposed provisions of the Natural Hazards Chapter any subdivision within the Slope Assessment Overlay is a restricted discretionary activity and must provide a geotechnical assessment that confirms the suitability of the site and the management of any potential risk from slope instability.

SUBMISSION

Submission

This submission opposes the proposed zoning of the site at 452 Cambridge Terrace as Large Lot Residential Zone as proposed by the Proposed District Plan and requests the zoning as Medium Density Residential Zone.

Considering the close proximity of the site to the Wingate train station the zoning of the site as Medium Density Residential is deemed appropriate and consistent with the zoning methodology applied by Plan Change 56.

The residential land surrounding the site to the south and west is mostly zoned High Density Residential with a smaller portion zoned Medium Density Residential. Overall the Medium Density Residential Zone would be consistent with the surrounding zoning and anticipated density of the surrounding residential areas while taking into consideration the more sloping nature of the site.

The land abutting the site to the north, which is characterised by the same general topography and contours, has been found suitable for industrial use and development and is proposed to be zoned General Industrial.

Under the Draft District Plan the Medium Density Residential Zone provides for up to three residential units per site and applies the Medium Density Residential Standards to new development. There is no minimum allotment size for the Medium Density Residential Zone provided it is practicable to build a permitted residential unit on the site or land use consent is sought or has been granted at the same time.

The introduction of the Large Lot Residential chapter clearly identifies the lack of servicing as the main constraint that is addressed by the zone. While the previous Hill Residential AA had a strong focus on the slope of sites this has now been addressed through the Slope Assessment Overlay.

The proposed Large Lot Residential Zone provides for low density development. It allows for one residential unit per site with a minimum allotment size of 1000m² and the Medium Density Residential Standards do not apply. The introduction of the proposed chapter states that:

The zone applies to areas where medium to high density development is generally inappropriate due to a lack of reticulated water, wastewater, or stormwater services, or access constraints. These factors have contributed to a low density residential environment with a high level of natural environment features. Medium to high density housing types, such as terrace housing and low-rise apartments, are only enabled where it can be demonstrated that the location is appropriate for more intensive development, including that the development can appropriately respond to existing constraints.

This is supported by the following s32 statement relating to the application of the LLRZ:

(114) The Large Lot Residential Zone has been applied to residential areas where medium to high density development is generally inappropriate due to servicing constraints, access constraints and low levels of access to commercial and community services.

When questioned Hutt City Council officers provided the following list of criteria that have guided their decision on whether to zone a site to Medium Density or Large Lot Residential:

- a. information shared in feedback on the draft District Plan,

- b. connections to the three waters networks (both current and planned),
- c. transport constraints, including a lack of walking connections and pedestrian paths,
- d. relevant strategic documents (such as the Urban Growth Strategy), and
- e. the zone under the operative District Plan

Council has also advised that as a general rule, any residential site over 50,000m² in size has been zoned as Large Lot Residential. The main justification for this is that

This [50,000m²] is the cut off used in the Housing and Business Capacity Assessment as to when a site is greenfield rather than brownfield. This recognises that these large sites are currently unserviced/vacant, and denser development than provided for in the Large Lot Residential Zone would require resource consent to ensure they are developed in an integrated way.

The above criteria are not considered applicable to the subject site for the following reasons:

Feedback on the Draft District Plan

Mr Havler's feedback on the Draft District Plan outlined the development intentions for the site, disputed the criteria that were applied, requested the rezoning of the site and provided three rezoning options.

Three Waters Network

The submitter is not aware of any servicing constraints and notes the close proximity to existing services.

Transport Constraints

As noted above that the site at 452 Cambridge Terrace has good access to public transport and commercial and community services. It is located within the walkable catchment (800m) of Wingate Station and the Naenae Local Centre which is reflected by the High Density Residential zoning of surrounding areas.

Strategic Direction

The Urban Growth Strategy does not mention the site at 452 Cambridge Terrace. However, the UGS has been drafted in 2012 and only mentions a very limited number of larger scale greenfield developments.

Plan Change 1 to the Natural Resources Plan introduced new maps showing Unplanned Greenfield Areas and Planned / Existing Urban Areas. It is noted that the site at 452 Cambridge Terrace is shown as a Planned / Existing Urban Area.

It is further noted that through recent plan changes the zoning around the periphery of the site at 452 Cambridge Terrace has continuously and incrementally changed from Hill Residential to General/Medium Density/High Density Residential, reflecting previous subdivision patterns and subsequent built development.

ODP Zoning

Under the Operative District Plan the subject site is zoned as Hill Residential Activity Area. As indicated by the name the Hill Residential Activity Area *consists of developed residential land on the hill sides of the City, and recognises the amenity values and constraints to development offered by hillside development.*

It is noted that neither amenity values nor topography constraints are listed as criteria for the new Large Lot Residential Zone. Rather than relying on a specific zoning the Proposed District Plan introduces a Slope Assessment Overlay that provides sufficient scope for the consideration of slope stability at the time of subdivision. As mentioned above the site at 452 Cambridge Terrace is largely covered by the Slope Assessment Overlay.

Size

This submission does not agree with this approach of setting an area threshold for the following reasons:

- The threshold of 50,000m² is not supported by any higher order legislation or guidance.
- There is no evidence that 5ha is an appropriate threshold that should be applied as a blanket rule.
- Any zoning should be based on a site specific analysis and assessment (which as outlined above does not justify the application of the Large Lot Residential Zone to the subject site).
- The threshold is not reflected or supported by the zone intention, objectives and policies of the LLRZ.
- Any subdivision as well as any development of 4 or more residential units in the Medium Density Residential Zone would require resource consent under proposed subdivision and zone provisions.

Conclusion

Overall there is no justification for the application of the Large Lot Residential Zone to the site at 452 Cambridge Terrace.

The site at 452 Cambridge Terrace has not been identified as containing or being part of any Outstanding Natural Feature or Landscape (ONFL) or Special Amenity Area (SAL). It does not contain an identified or protected ridgeline.

It is noted that the proposed rule relating to the removal of indigenous vegetation (ECO-R2) applies equally to all residential zones and therefore the requested rezoning would not change the relevant thresholds and requirements for indigenous vegetation removal.

Any topography constraints of the site can be sufficiently addressed and managed through the Slope Assessment Overlay.

No other issues or constraints (e.g. SNA, ONFL, Natural Hazards overlay) have been identified on the site.

The site is located in close proximity to public transport, has good transport connections, can provide for walking connections and pedestrian paths. The submitter is not aware of any three water issues in the area.

It is expected that any future development of the site would naturally be focused on the lower, flatter portions of the site, which could support medium or high density development. The steeper portions of the site naturally lend themselves to lower densities to address the more challenging topography and potential slope hazards.

Mr John Havler therefore opposes the proposed zoning of the site as Large Lot Residential and seek the zoning as Medium Density Residential Zone instead.



Figure 4: Zoning of the site as Medium Density Residential Zone

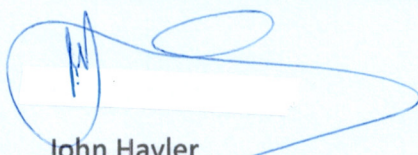
The Medium Density Residential zoning would provide for the development of the site at a medium density level that aligns with the development anticipated and enabled in surrounding residential areas. Any potential constraints that could limit the development potential of the site are appropriately addressed and managed through overlays.

DECISION SOUGHT

Mr John Havler seeks the following decision from Council:

- **Zoning of the site at 452 Cambridge Terrace as Medium Density Residential Zone.**
- **Any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission.**

The requested zoning would provide for additional residential development while responding to constraints and limitations through relevant overlays.


John Havler
1st May 2025.