

**BEFORE THE HUTT CITY COUNCIL**

**UNDER**

Schedule 1 of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

the Proposed Hutt City Council  
District Plan

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**STATEMENT OF EVIDENCE OF**

**JAMES BEBAN**

**8 May 2026**

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## **1.0 QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is James Gary Beban. I am a Director at Urban Edge Planning Limited. I have over 23 years' experience as a Resource Management Planner. Over my career I have been involved in numerous plan changes, including several full District Plan reviews. I have been involved in preparing provisions for a wide range of topics including commercial zones, three waters, subdivision, natural hazards, coastal hazards and earthworks chapters.
- 1.2 In addition to the above, I have also been involved in numerous Private Plan Changes that have rezoned individual sites.
- 1.3 I hold a Bachelor of Science Degree (*Hons*) from Victoria University, Wellington, which I completed in 2002.
- 1.4 I have read, and am familiar with, the Code of Conduct for Expert Witnesses in the Environment Court of New Zealand Practice Note 2023. Unless where stated within my report, the evidence which I present is within my area of expertise.
- 1.5 I am the Chair of the Moera Community House (Community House) and my evidence is in support of their submission that was made. I am here as a representative of the community house as opposed to representing any submissions made by Urban Edge Planning Limited.
- 1.6 The Community House is a charitable organisation that runs a range of activities, events, and educational programs for the people of Moera and the wider community.

## **2.0 POTENTIAL CONFLICT OF INTEREST DECLARATION**

- 2.1 I would like to bring to the panel's attention, potential perceived conflicts of interest associated with Urban Edge Planning previous work with the Proposed Hutt City District Plan.
- 2.2 Urban Edge Planning was involved in the preparation of a number of chapters associated with the Hutt City Proposed District Plan. These included:
- Natural Hazards Chapter
  - Coastal Environment Chapter
  - Outstanding Natural Landscapes and Features Chapter
  - Public Access Chapter
  - Subdivision Chapter
  - Three Waters Chapter; and
  - Earthworks Chapter.

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2.3 Personally, I was involved in the preparation of the following chapters as well as the supporting Section 32 assessments:

- Natural Hazards Chapter;
- Coastal Hazards Chapter; and
- Three Waters Chapter.

2.4 Neither Urban Edge Planning or myself have prior involvement in the development of the zone based chapters.

2.5 My evidence does seek to change any of the provisions for the chapters that Urban Edge Planning was involved in, nor does it seek to change any of the geographic extent on any of the overlays.

2.6 Given the limited nature and scope of this evidence in relation to the rezoning of the site from Mixed Use Zone to the Sport and Active Recreation Zone, I do not believe that I am conflicted to present this evidence.

### **3.0 MATTERS COVERED IN THE EVIDENCE**

3.1 My evidence is limited in scope to the appropriateness of the proposed Mixed Use Zone for the site at 105 and 107 Randwick Crescent. It is my view that the proposed Mixed Use Zone is an inappropriate zone for the site, given its current use and the reserve status of the property.

3.2 Specifically, my evidence will cover the following:

- A brief description of the site and surrounding area
- A brief description on Moera Community House
- Analysis of the appropriate zoning for the site.

### **4.0 Site Description and Surrounding Area**

4.1 The property at 105 and 107 Randwick Crescent is 4,810m<sup>2</sup> in size. The property contains the following activities:

- Moera Neighbourhood Hub
- Community Hall
- Community House
- Community Cottage (which is run by the Community House)

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- A playground
  - Community garden;
  - A car parking area;
  - A pump station; and
  - Open space including a stand of native vegetation.
- 4.2 There are also public toilets located immediately to the east of the park, although these are located within road reserve.
- 4.3 The site is subject to the Reserves Act 1977 with a stated purpose as a reserve for local purposes (community buildings).
- 4.4 The site is zoned General Recreation Activity Area under the Operative District Plan.
- 4.5 Situated to the north west and west of the site is residential housing. Situated to the south of the site are the Moera shops and located to the immediate east is Randwick Road overbridge.
- 4.6 This site contains the key community and recreational facilities in the Moera Community. A number of community events and recreational activities are undertaken from the site and the property contains the only playground in the Moera community.

### **Moera Community House**

- 4.7 The Moera Community House is a charitable organisation that operates the Moera Community House and the Community Cottage on the site. The organisation is run by several volunteers from Moera and surrounding area. It provides a range of activities and services to the local community including (but not limited to):
- Te reo classes;
  - Classes to help children manage their emotions;
  - Classes to help keep the older members of the community active;
  - Numerous community events throughout the year;
  - Spaces to support other charities, often at no cost;
  - Space for classes to help people return to work and to upskill;
  - Spaces for religious activities; and
  - Spaces for cultural groups to undertake their respective activities.

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- 4.8 The Moera community experiences high levels of social deprivation. A significant proportion of residents have limited access to the internet, and food security is a persistent issue. The community is culturally diverse, and for many households English is not a first language. These factors, combined with the day-to-day pressures of meeting basic needs, contribute to relatively low levels of engagement with, and understanding of, Council processes. In this context, the Moera Community House plays an important role, supporting the community and seeking improved outcomes where required.

### **Analysis of Appropriate Zoning**

- 4.9 The Moera Community House submitted on the appropriateness of the Mixed Use Zone under the Proposed District Plan for the site. The submission sought to rezone the site to Sport and Active Recreation Zone. I support the submission.
- 4.10 I disagree with s.42a officers position that the purpose of the reserve is to provide for community facilities and not open space. This site is the main recreational space in the Moera community. The playground is well utilised and there is open space that is used for informal recreational activities. While there are community facilities on the site, these complement the recreational spaces, not compete or diminish the recreational values of this land to the community.
- 4.11 The s.42a officers also advances the position that the land use activities undertaken on the site are also managed by the Reserve Act 1977. While I have some limited agreement with this point, in my experience land that has a stated purpose as reserve for local purposes under the Reserve Act 1977 is typically supported by appropriate zoning framework that is explicitly aligned to support the outcomes of the stated purpose. It is generally inconsistent with accepted planning practice for reserve land to be subject to a zone that enables a broad range of development options that are not closely aligned with reserve purposes. In my view, land subject to the Reserves Act 1977 is most appropriately zoned in a manner that supports the intended Reserve Act purpose and reflects the principles and objectives of the Act, rather than a zone that is less directly aligned with those matters.
- 4.12 It is also my observation that throughout the Hutt Valley it is proposed to zone a number of sites that are vested as reserve as either Sports and Active Recreation Zone, Open Space Zone, or Natural Open Space Zone. There appears to be no strong planning rationale for taking a different approach to this site, when compared to other parks and recreational areas in the Hutt Valley.
- 4.13 In considering the most appropriate zone for the site, I have turned my mind towards the purpose of the zones, as outlined in the Proposed District Plan. The Mixed Use Zone is described as follows:

*The Mixed Use Zone covers a large variety of different areas across the urban area of Lower Hutt that call for flexible land use controls. Common scenarios include:*

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- *The fringes of commercial centres, to provide for expansion and contraction of those centres,*
  - *Some areas that have a long history of mixed uses,*
  - *Sites with unique businesses or facilities,*
  - *Areas that form a spatial transition between two other areas,*
  - *Areas that are transitioning in time from one role to another,*
  - *Areas with strong potential to develop into centres, and*
  - *Corridors connecting other centres with good access to public transport that have the potential to serve the surrounding area.*

*The Mixed Use Zone recognises that market and community demand in these areas is less predictable and may change significantly from place to place and over time. Accordingly, land use control is flexible to a wide range of uses, while providing amenity consistent with medium or high density mixed use urban development so that the area can adequately provide for residential activities or other sensitive activities.*

*The Mixed Use Zone provides for commercial activities of a small or specialised nature, or that primarily serve their immediate surroundings, so as not to undermine the role of commercial centres in the City Centre Zone, Metropolitan Centre Zone, or Local Centre Zone. The Mixed Use Zone is not expected to be managed to support the role of the Neighbourhood Centre Zone.*

4.14 This summary is supported by MUZ-O1 and MUZ-O2, which states:

*MUZ – O1 - The Mixed Use Zone contributes to a well-functioning urban environment through the provision of areas that can flexibly adapt to a range of mixed urban uses over time, in locations that are appropriate for medium or high density residential and commercial development; and*

*MUZ-O2 – Activities in the Zone –*

*The Mixed Use Zone:*

1. *Does not have a single predominant use that it provides for,*
2. *Is expected to provide flexibility for any combination of commercial, community, light manufacturing and servicing, recreational, residential, and other compatible activities, while reflecting the Mixed Use Zone's role and function in relation to the hierarchy of centres,*
3. *Provides for other activities that:*
  - a. *Are compatible with the purpose, the planned character, and the planned urban built environment of the zone,*
  - b. *Are compatible with the types of amenity associated with a medium or high density mixed use environment anticipated by the zone, and*

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*c. Support the health and wellbeing of people and communities in the surrounding area, and*

*4. Is not intended to provide for:*

*a. Large-scale vehicle oriented activities, or*

*b. Activities that would be a significant city-wide or regional destination, and*

*Otherwise avoids other activities that are likely to be incompatible.*

4.15 It is clear from the introduction to the chapter and the proposed objectives that the Mixed Use Zone anticipates change, intensification, and flexibility. It is intended to be an enabling zone to allow for a future range of commercial, retail and residential activities and intensive built form outcomes. It is not a zone that is intended to be used to support parks, open spaces and other similar activities, especially on land that has a reserve classification under the Reserves Act 1977.

4.16 In my opinion, zoning should reflect the intended role and function of the land. In this regard, I accept that the Mixed Use Zone could be an appropriate zone if there was no intent to retain the existing community activities and facilities and a council resolution had been made to dispose of the site. However, there has been no resolution to this effect. Instead, I am aware that the opposite has occurred, with the following recent investment having been undertaken and committed to:

- Construction of the new Moera Community Hub in 2025; and
- Construction works programmed in 2026 to upgrade the playground facilities on the site, including a new half-court basketball court.

4.17 These capital works and investment demonstrate an intent to retain the recreational and community activities on the site. Ultimately, it is my view that the Mixed Use Zone does not align with current or future activities on the site, or with the underlying stated purpose of the land. I am therefore of the view that the Mixed Use Zone is not the most appropriate zone for the site to give effect to Part II of the RMA.

4.18 In preparing its submission, the Community House considered the appropriateness of alternative zoning options for the site. Both the Open Space Zone and the Sport and Active Recreation Zone were assessed. Ultimately, the Sport and Active Recreation Zone was identified as the most appropriate, reflecting the presence and ongoing use of established community facilities on the site, including the community house, community hub, and community hall. The description and objectives of the Sport and Active Recreation Zone explicitly provide for community facilities, whereas the Open Space Zone does not include community facilities within its stated purpose and character, which provides that:

*OSZ – O1 - The Open Space Zone consists of open space, recreation areas where recreational activities are typically informal, such as local parks and playgrounds.*

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- 4.19 The Proposed District Plan provides the following description of the Sport and Active Recreation Zone.

*The Sport and Active Recreation Zone consists of large open space areas within urban areas that provide for a mix of indoor and outdoor recreation and community facilities within urban areas, including playing fields, large playgrounds and sites that accommodate indoor sports facilities and community facilities.*

- 4.20 This description of the zone is supported by the following objectives:

*SARZ – O1 - The Sport and Active Recreation Zone consists of large open space areas within urban areas that provide for a mix of indoor and outdoor recreation and community facilities within urban areas, including playing fields, large playgrounds and sites that accommodate indoor sports facilities and community activities.*

*SARZ-O2 - The Sport and Active Recreation Zone:*

- a. Predominantly provides for recreation activities and community facilities that are compatible with the planned character and amenity of adjoining Residential Zones, the Mixed Use Zone, and the Marae Zone.*
- b. Provides for other activities that:*
  - i. Are compatible with the purpose and planned character of the zone,*
  - ii. Are compatible with the planned character and amenity of adjoining Residential Zones, Mixed Use Zone, and the Marae Zone, and*
  - iii. Are compatible with the recreational activities and use of community facilities within the zone*

- 4.21 In my opinion, the purpose and character outlined by Objectives SARZ-O1 and SARZ-O2 is more aligned to the activities that are undertaken on the site, when compared to the Mixed Use Zone. I would also note that the rule framework proposed under this zone is more aligned to the activities that are undertaken on the site, including enabling community facilities and recreational activities.

- 4.22 I have also turned my mind to the following rationale provided in the s.42a officers report

*The primary purpose of the reserve is to provide for community facilities, not to provide open space. The site is mostly built up, and would substantially exceed the permitted activity standards for the Sport and Active Recreation Zone.*

- 4.23 I disagree with this position.

- 4.24 The proposed permitted activity standard relating to the Sport and Active Recreation Zone are as follows:

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- Buildings and Structures must not exceed 100m<sup>2</sup> in area; or
  - Building coverage must not exceed 30% of the net site area of the property.

4.25 On the site, the building sizes are approximately as follows:

- Community House – Approximately 140m<sup>2</sup>
- Community Cottage – approximately 76m<sup>2</sup>
- Community Hall – approximately 420m<sup>2</sup>
- Pump station – 28m<sup>2</sup> and
- Community Hub – 250m<sup>2</sup>

Total Site Coverage – 914m<sup>2</sup> or 19%

4.26 The total site coverage associated with the buildings on the site is therefore considerably less than the 30% that is allowed for under the Proposed District Plan for the Sport and Active Recreation Zone.

4.27 I acknowledge that there are individual buildings over 100m<sup>2</sup> on the site. However, there are numerous examples within the Hutt Valley where parks that have been proposed to be zoned to either Sports and Active Recreation or Open Space Zones, contain buildings exceed the permitted activity standards for maximum building size. If this was a determining factor for rezoning, then I would expect that far more parks and open spaces within the Hutt Valley would have been rezoned Mixed Use, than what has occurred.

4.28 I would also note that two of the three buildings are over 200m<sup>2</sup> threshold, which is the permitted activity standard for community facilities within the Mixed Use Zone. As such, these buildings also exceed the permitted activity standards for the Mixed Use Zone. As such, if these community buildings wanted to expand in the future, they would need resource consent, regardless if they in the Mixed Use Zone or the Sport and Active Recreation Zone.

4.29 I therefore consider that the size of the buildings should not be a determining factor in whether determining what is the appropriate zone for the site. Furthermore, I consider that the rule framework for the Sports and Active Recreation Zone is not unduly restrictive that would limit future activities occurring on this site.

## **5.0 Section 32AA Assessment for the rezoning of 105 Randwick Crescent from Mixed Use Zone to Sport and Active Recreation Zone.**

### **How this Change Achieves the Purpose of the RMA**

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5.1 The requested rezoning would reflect the existing and intended use of the site, noting that the Sport and Active Recreational Zone objectives and policies are far more aligned than the Mixed Use Zone.

5.2 The requested zone would also be more consistent with how other parks and community spaces within the Proposed District Plan have been zoned. On this basis, it is my view that that the Sport and Active Recreation Zone would more appropriately provide for the social and cultural well-being of the local community.

**Benefits including Opportunities for Economic Growth and Employment**

5.3 The proposed rezoning sought under this submission does not provision for additional economic growth and employment. However, I consider that the Reserve Act status already limits economic growth and employment opportunities on the site and therefore this proposal is neutral in this regard.

**Costs**

5.4 No significant costs associated with the requested change have been identified. The proposed rezoning would reflect the existing and intended on-going use of the site.

**Risk of Acting or Not Acting if Information is Uncertain or Insufficient**

5.5 No risks around uncertain or insufficient information in relation to this matter have been identified.

**Efficiency and Effectiveness**

5.6 It is my view that the efficiency of the suggested change is more beneficial than the position of the s42A Officer in regard to the Mixed Use Zone. The requested zone more clearly aligns with the existing use of the site as well future intended use on the site.

5.7 It is my view that the effectiveness of the proposed Sport and Active Recreation Zone is higher than the Mixed Use Zone. The proposed zone is more align to the reserve status of the site and its existing use. The Objectives of the Sports and Active Recreation Zone are more aligned to how the site is used and therefore it is a more effective option.

**Other Reasonably Practicable Options for Achieving the Objectives**

5.8 The Open Space Zone was considered as an alternative. However, its purpose and objectives do not explicitly provide for community facilities of the scale and function present on the site. As such, it would be less effective in enabling the existing and intended use of the land.

**6.0 CONCLUSION**

6.1 In my Opinion the Sport and Active Recreation Zone is the most appropriate zone for the site and activities. My reasons for this include:

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- The purpose of this zone better reflects the activities that are undertaken on this site, including the long-standing community facilities that operate from the property;
  - The suggested zone has been used on other sports and community facilities within the Hutt Valley;
  - The zone provides alignment between statutory regimes (RMA zoning supporting Reserve Act purpose); and
  - The proposed rule framework within the Sport and Active Recreation Zone does not create undue restrictions to the future development of the site.

Dated 8 May 2026



James Gary Beban

