

HUTT CITY COUNCILPOLICY AND REGULATORY COMMITTEE

Report of a meeting held in the James Coe 1, Dowse Art Museum, 45 Laings Road, Lower Hutt on

Wednesday 28 January 2015 commencing at 5.36pm

PRESENT: Cr M Cousins (Chair) Cr L Bridson
 Deputy Mayor D Bassett Cr B Branch (until 5.48pm)
 Cr A Finlayson Cr T Lewis
 Cr M Lulich Cr M Willard
 Mayor WR Wallace

APOLOGIES: Apologies were received from Crs Barry and Milne and Cr Branch for early departure

IN ATTENDANCE: Cr G McDonald
 Cr M Shierlaw (from 5.41pm)
 Mr T Stallinger, Chief Executive
 Ms J Foo, General Manager, Governance and Regulatory
 Mr D Kellow, Divisional Manager, Environmental Policy
 Ms C Tessendorf, Senior Environmental Policy Analyst
 Mr B Cato, Solicitor
 Ms A Wallace, Senior Communications and Marketing Advisor
 Ms K Glanville, Senior Committee Advisor

PUBLIC BUSINESS1. APOLOGIES

RESOLVED: Minute No. PandR 15101

"That the apologies received from Crs Barry and Milne be accepted, and the apology for early departure received from Cr Branch, and leave of absence be granted."

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

RESOLVED: Minute No. PandR 15102

"That, in terms of Standing Order 38.1, the Committee agrees to extend the period allowed for public comment for an additional 30 minutes."

3. **CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

4. **RECOMMENDATIONS TO COUNCIL - Hutt City Council - 28 January 2015**

- i) Private Plan Change Request from Summerset Villages Limited - Rezoning of Land from General Recreation to General Residential with Provision for Retirement Village Use (14/1839)

Speaking under public comment, **Mr Andy Curran** expressed opposition to the private plan change request. He considered that the proposed development was inconsistent with the existing character of the Boulcott area.

Cr Branch left the meeting at 5.48pm.

Speaking under public comment, **Mr Ian McLaughlin, speaking on behalf of the Boulcott Preservation Society (the Society)**, expressed opposition to the private plan change request. He noted that residents were not opposed to development on the land but that the current proposal was out of character with the surrounding Boulcott area. He considered that the proposal was not of sound resource management practice as it did not meet the Section 7 requirements in the Resource Management Act 1991.

In response to questions from members, Mr McLaughlin advised that he had not had time to consider Dr Matthew Palmer's review.

Speaking under public comment, **Mr Dennis Page** expressed opposition to the private plan change request. He supported comments made by Mr McLaughlin. He considered that the proposal was inconsistent with a number of policies and objectives in Greater Wellington Regional Council's Regional Policy Statement and the Resource Management Act 1991.

Speaking under public comment, **Mr David Ogden** considered that the private plan change should either be rejected or left to lie on the table and further work with the developers be undertaken.

Speaking under public comment, **Mr John Vallely** expressed opposition to the private plan change request. He considered that the consultation undertaken by Summerset Villages Limited (Summerset) with residents was limited.

Speaking under public comment, **Mr Lance McClure** asked that the private plan change request be rejected.

Speaking under public comment, **Mr Alistair Auburn, representing Summerset**, expressed support for the private plan change request. He considered that the proposal was of sound resource management practice.

In response to questions from members, Mr Auburn clarified that his role was as an independent, employed by Summerset. He advised that if the proposal was rejected it could take up to six months to be heard by

the Environment Court.

Speaking under public comment, **Mr Paul Morris, representing Summerset**, expressed support for the private plan change request.

In response to questions from members, Mr Morris advised that an independent facilitator was employed to conduct the additional consultation with residents.

The Divisional Manager, Environmental Policy elaborated on the report.

In response to questions from members, the Divisional Manager, Environmental Policy clarified that various experts (noise, traffic, urban design, infrastructure, planning, acoustic) had been engaged and following receipt of their information a high level merit assessment was undertaken. He advised that no merits in the assessment were identified which enabled him to support the rejection of the private plan change request. He noted that matters raised by submitters should be thoroughly tested by planning commissioners through the resource management process. He confirmed that officers would seek expert advice on matters raised by submitters that required further clarification.

In response to questions from members, Ms Gina Sweetman, Sweetman Planning Services confirmed that she was asked to undertake a planning assessment and an assessment in respect of whether the proposed plan change was of sound resource management practice. She advised that an assessment of cumulative effects would be addressed through the Resource Management process.

Mr Stephen Quinn, Partner, DLA Phillips Fox elaborated on the Clause 25 of Schedule 1 of the Resource Management Act 1991 process and case law guidance as outlined in Appendix 1 of the officer's report.

In response to questions from members, Mr Quinn clarified that it was at Council's discretion whether the private plan change request was considered by Commissioners. He noted that the Commissioners would make a recommendation to Council for its consideration.

Dr Matthew Palmer, QC, Thorndon Chambers elaborated on the review he had undertaken in relation to the private plan change request under Clause 25(4) of the Schedule 1 to the Resource Management Act 1991. He advised that he did not consider the points raised regarding unsound resource management practice and inconsistencies with the Regional Policy Statement sufficient reasons to reject the proposal at this preliminary stage. He concluded that based on the information provided to him for review, Council should accept the request and move to a full consideration of its merits.

In response to questions from members, Dr Palmer clarified that Council's Urban Growth Strategy (UGS) was silent on rezoning projects outside identified areas of further residential development and that

included the Boulcott area. He advised that the UGS stated the importance to allow for housing for the elderly and did not rule out intensification in areas outside of the identified areas. He further advised that to prevent development in an area, planning documents needed to clearly state this.

The Chair noted an amendment to recommendation (v) to read:

“recommends that Council accepts for consideration the proposed private plan change received from Summerset Villages Limited; and”

Deputy Mayor Bassett advised he did not support the application as it was currently presented. He noted however, that if the private plan change was accepted by the Committee he would consider it with an open mind.

Cr Shierlaw advised he would be supporting residents and would be voting against the officer's recommendations.

Mayor Wallace acknowledged the Boulcott residents' concerns. He advised that if the private plan change request was rejected it would delay the process and provide uncertainty for the residents. He advised he would be supporting the recommendations to accept the private plan change for consideration to prevent delay and uncertainty in the process.

Cr Willard noted the points raised by the Boulcott residents. She considered that more work and certainty of the process was required. She advised she would be supporting the officer's recommendations to accept the private plan change for consideration.

Cr Lewis considered that the vision for Hutt City and moving ahead was important and for that reason would be supporting the officers' recommendations to accept the private plan change for consideration.

Cr Finlayson noted that he was not against development but he was against development in the Boucott area. He advised that he would not be supporting the officer's recommendations to accept the private plan change.

RESOLVED: (BY DIVISION)

Minute No. PandR 15103

"That the Committee recommends that Council:

- (i) *notes that Summerset Villages Limited has lodged a private plan change request with Council as attached as appendices 1-16 (separately circulated);*
- (ii) *notes that Summerset Villages Limited has undertaken additional consultation as requested by the Policy and Regulatory Committee on 4 November 2014;*
- (iii) *notes the process for private plan changes under the Resource Management Act 1991;*
- (iv) *considers the four options available under the Resource Management Act 1991 on how to deal with the private plan change request as outlined in the report; and*
- (v) *accepts for consideration the proposed private plan change received from Summerset Villages Limited; and*
- (vi) *notes that this will enable the process to start which will provide for interested members of the public to submit comment on the proposed plan change.*

The motion was declared CARRIED on division with the voting being as follows:

For

Cr Cousins
 Mayor Wallace
 Cr Bridson
 Cr Lewis
 Cr Lulich
 Cr Willard

Total: 6

Against

Deputy Mayor Bassett
 Cr Finlayson

Total: 2

5. QUESTIONS

There were no questions.

There being no further business the Chair declared the meeting closed at 8.13 pm.

Cr MJ Cousins
CHAIR

CONFIRMED as a true and correct record
Dated this 24th day of March 2015