

REPORT 1
(1215/53/IM)

**PRIVATE DISTRICT PLAN CHANGE REQUEST:
TAKAPU ISLAND DEVELOPMENTS LIMITED, TAKAPU
RD, TAWA**

1. Purpose of Report

To consider a request by Takapu Island Developments Ltd to change the zoning of land known as Takapu Island from Outer Residential Area to Suburban Centre.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to accept the proposed private plan change for the re-zoning of approximately 6.16 hectares of 'undeveloped' outer residential area zoned land to suburban centre, as outlined in:*
 - a) *Appendix 1 – Takapu Island Proposed Re-zoning Plan*
 - b) *Appendix 2 - Request for District Plan Change – Takapu Island, Tawa*
 - c) *Appendix 3 - Revised Suburban Centre Rules*
3. *Agree to publicly notify the proposed private plan change in accordance with the First Schedule of the Resource Management Act 1991.*

3. Executive Summary

Takapu Island Developments Ltd is requesting a private plan change for the re-zoning of 6.16 hectares of 'undeveloped' Outer Residential Area zoned land to Suburban Centre. The land is known as Takapu Island and is bounded by State Highway No. 1, Takapu Road, and the North Island Main Trunk Line.

The rezoning would provide for development involving mixed use commercial and residential activities. Indicative earthworks, subdivision and landscape plans have been prepared. These plans do not form part of the plan change but are provided to show how the land could be developed in the future. If the plan change were approved, detailed site and building plans would be developed, and resource consents applied for as required.

An assessment of environmental effects and a section 32 report have been provided in accordance with the requirements of the First Schedule of the RMA. The applicant has provided further information about the potential impact of large format (or big box) retailing on established commercial centres in the northern suburbs.

Accompanying this information was an amended set of rules which allow for this assessment to be undertaken on retail buildings in excess of 1000m².

It is considered that there are no grounds for refusing to notify this private plan change request and that the applicant has provided sufficient information to allow the plan change to be notified. It is recommended that Council *accept* the plan change request and allow it to be publicly notified.

Private Plan Change Process

Any person may request a change to the District Plan, in accordance with the First Schedule of the Resource Management Act 1991 (RMA). This request has been provided in writing and is attached as Appendix 1 and Appendix 2 (information supplied in response to a further information request is included in Appendix 2).

The Committee is required to decide whether to *reject*, *accept*, or *adopt* this plan change request. It is not necessary at this stage to decide whether or not the plan change proposal should be approved or declined. That assessment is required after a plan change is notified and submissions (including further submissions) have been received. The Committee must however decide the form in which the proposed change will proceed.

To assist the Committee, accepting the plan change means it would remain a private plan change and all processing costs would be met by the applicant. The adoption of the change means that it would become a Council plan change and the Council would be committed to supporting the proposal through the process.

It is noted that neither option prevents the Council from making submissions on the plan change to address any issues of concern.

An assessment of the options for this private plan change request are set out in Section 6.1 of this report.

4. Plan Change Proposal

4.1 Takapu Island

The proposal involves developing a roughly triangular shaped portion of land bounded by State Highway No.1 and the Tawa off-ramp, Takapu Road, and the North Island main trunk railway line.

The applicant has indicated that the site would be developed for mixed use commercial and residential activities. Main features of the plan change (and works associated with giving effect to the plan change) include:

- a large roundabout at the junction of the Tawa off-ramp and Takapu Road to provide for future growth demands associated with the application site and land on the eastern side of the motorway;
- a second smaller roundabout from Takapu Road into the application site

- earthworks to provide for road access, carparking and building sites, and landscaping to rehabilitate and re-vegetate the site; and
- a commuter park and ride facility for commuters using the nearby Takapu station.

4.2 Proposed District Plan Provisions

The proposed district plan provisions include:

- all buildings and structures being assessed as discretionary activities (restricted) on the basis of design and appearance, and landscaping; and
- retailing in excess of 1000m² per site is assessed as a discretionary activity (restricted).

The second rule (relating to large format retailing) would allow Council to assess “*the extent to which the effects of the proposed retailing activity is consistent with Council’s relevant retail strategies*”. In other words, this would allow consideration of what, if any, impacts a proposed retail development in excess of 1000m² would have on established commercial areas in the northern suburbs.

5. Discussion

5.1 Adequacy of the plan change request

Description of Plan Change Request and Consultation

The applicant has provided a site and locality description, development concept information, an assessment of environmental effects (AEE), and proposed district plan provisions.

Discussions have been undertaken with council officers, Greater Wellington Regional Council and Transit NZ. Consultation has also been undertaken with affected residents, community groups, and other parties (refer to section 9 of the plan change request).

Detailed designs on how the whole site might be developed have not yet been prepared. If the plan change were approved, specific site development plans would be developed and resource consents applied for. To assist the assessment of this plan change, a possible site layout has been submitted as part of this plan change request (see earthworks, subdivision and landscape plans attached as Appendix 4). These plans do not however form part of the plan change request.

Section 32 Evaluation

Section 32 of the RMA requires consideration of alternatives, and an assessment of the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. A section 32 report must be available at the time the plan change is publicly notified. This has been prepared by the applicant and is attached as Appendix 5.

Further Information

Further information was requested from the applicant on the economic impact of allowing large format (or big box retailing) on the established commercial centres in the northern suburbs. Information was also required on how any adverse effects of this retailing might be mitigated.

This matter was not responded to directly but further information was supplied by the applicant. The approach favoured by the applicant was to require retailing activities exceeding 1000m² to be assessed as a Discretionary Activity (Restricted). Appendix 3 contains the amended Suburban Centre rules applying to Takapu Island, and Appendix 5 contains the section 32 analysis and justification for these new rules.

In summary, it is considered that the applicant has provided sufficient information to allow the plan change to be notified, if the Committee is of the mind to proceed with the change.

5.2 Northern Growth Management Framework 2003 (NGMF)

Mixed Use for Takapu Island

The NGMF is a non-statutory 'planning' document guiding future urban development in the northern suburbs. Takapu Island is identified as being suitable for mixed use development, and encourages increased park and ride capacity at Takapu station. Section 5 of the NGMF also refers to improving the Tawa motorway interchange and supporting the development of road linkages to and through Lincolnshire Farms, and Woodridge, and Grenada and Grenada North.

These policy matters have been addressed in the plan change.

Lincolnshire Farms

The Lincolnshire Farms area is identified in the NGMF as being suitable for urban development. Plan Change 45 – *Urban Development Area and Structure Plans* (notified on 23 September 2006) provides the statutory framework (through the use of a structure plan) for the urbanisation of this land in general accordance with the NGMF. Roundabouts and roading improvements associated with the proposed Takapu Island plan change are consistent with proposals to improve access to the eastern side of the motorway and the Lincolnshire Farms area.

5.3 Other issues

Plan Change 52 relating to Suburban Centres was presented to the Regulatory Processes Committee on the 19 October 2006. It proposed that resource consents be required in Suburban Centres for building design, and for out of centre retail developments where the buildings exceed 500m².

If approved for public notification Plan Change 52 would be processed in tandem with proposed Plan Change 47. As both plan changes require consideration of retailing impacts on existing town centres, it is likely these two plan changes will be assessed and determined at the same time.

6. Council's options for rejecting, accepting or adopting the plan change request

The options for dealing with the plan change request are as follows:

Option – Reject the plan change	Evaluation
<p>A plan change can be rejected on the basis that:</p> <ul style="list-style-type: none"> • It is frivolous or vexatious • The substance of the change has been dealt with by Council or the Environment Court in the last two years • The change is not in accordance with sound resource management practice • The change would make the District Plan inconsistent with Part V of the RMA (other policies or plans, such as regional policies or plans) • The District Plan has not been made operative for more than two years. 	<p>The plan change has been well prepared and presented, with consultation undertaken with all potentially affected parties.</p> <p>Consideration has also been given to the policy framework set down in the NGMF for the northern suburbs and Takapu Island.</p> <p>It is not therefore frivolous or vexatious and has been prepared in accordance with sound resource management practice.</p> <p>The district plan has been operative since 2000 and the substance of the plan change request has not been dealt with by either the Council or the Environment Court in the last two years.</p> <p>No major issues have been raised by other units of the Council regarding the development of the land.</p> <p>This is not the recommended option.</p>
Option - Accept the plan change	Evaluation
<p>Council would process the plan change, and it would be notified, heard and decided by the Council.</p> <p>The applicant will bear the cost of the complete plan change process, which includes any costs associated with the resolution of appeals.</p>	<p>Accepting the plan change means that:</p> <ul style="list-style-type: none"> • The applicant decides what is notified. However, prior to presenting this report, Council officers have been in discussions with the applicant's agent and have sought further information (as referred to in 6.1 above). There is now sufficient information provided by the applicant to enable it to be notified. • This option implies that Council is taking a neutral position on the proposal. The community should perceive that Council neither supports nor opposes the proposal. • This is appropriate given that most of the benefits will be to the developer, rather than there being any significant public good component suggesting the change should be adopted. <p>This is the recommended option.</p>

Option - Adopt the plan change	Evaluation
<p>The plan change becomes a 'public' plan change. It is notified, heard and decided on the same way as a plan change prepared by Council.</p> <p>Council will largely bear the cost of managing the plan change from the date that it adopts it.</p>	<p>Adopting the plan change means that:</p> <ul style="list-style-type: none"> • Council controls what is notified • Council can work with the applicant to achieve the best outcome • Demonstrates that Council is promoting good land use and design decisions • It would be interpreted that Council supports the proposal • The proposed park and ride facility would provide a public good for local train commuters. However, the private benefits that would accrue from developing this land are likely to outweigh this public benefit. <p>As it is not believed that there is sufficient reason to adopt the private plan change this option is not recommended.</p>

The Council is able to make submissions and further submissions on the merits of the plan change request, regardless of whether the Committee accepts or adopts the plan change request.

7. Conclusion

This report recommends that Council *accepts* the request for this private plan change. If the plan change request is notified within the next few weeks, submissions can be received and summarised before Christmas. Further submissions can then be called for in early 2007. The plan change hearings will commence once all further submissions have been received and officer reports have been prepared.

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Supporting Information

1) Strategic Fit / Strategic Outcome

This consideration is not relevant at this stage. When assessing the merits of the private plan change, Council will however need to assess whether it gives effect to the Urban Development Strategy and whether it supports the outcomes for achieving a more liveable city set out in that document.

2) LTCCP/Annual Plan reference and long term financial impact

This relates to updating the District Plan. Plan change processing costs will be paid for by the applicant

3) Treaty of Waitangi considerations

There are no specific Treaty of Waitangi implications.

4) Decision-Making

The decision to agree to notify the plan change is consistent with the requirements set out in Clause 25 of the First Schedule of the Resource Management Act 1991.

5) Consultation

a) Specific Consultation

The applicant has undertaken consultation with statutory authorities. This includes the Department of Conservation, NZ Historic Places Trust, Wellington City Council, Greater Wellington Regional Council and Transit NZ. Consultation has also been undertaken with affected residents, community groups, and other parties.

b) Consultation with Maori

The applicant states that the Wellington Tenth Trust did not have any concerns and that no response was received from Ngati Toa Iwi.

c) General Consultation

These parties and any other potentially affected parties will be directly notified of the plan change. A public notice will allow other members of the public to make a submission.

6) Legal Implications

The plan change has been prepared in accordance with the Resource Management Act 1991.

7) Consistency with existing policy

This consideration is not relevant at this stage (as stated above).