
REPORT 1
(1215/53/IM)

PRIVATE DISTRICT PLAN CHANGE REQUEST: 14 WESTWOOD ROAD, TAWA

1. Purpose of Report

To consider a request by Peter and Debbie Sole to change the zoning of part of the land known as 14 Westwood Rd, Tawa from Rural Area to Outer Residential.

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 853m² of land zoned Rural Area to Outer Residential, as outlined in Appendix 1, 4 Westwood Rd, Tawa – Private Plan Change Request, (Harrison Grierson, Ref 1820-124067-01).*
3. *Agree to publicly notify the proposed private plan change in accordance with the First Schedule of the Resource Management Act 1991.*

3. Discussion

3.1 The Plan Change Proposal

Peter and Debbie Sole have requested a private plan change for the re-zoning of 853m² of an existing 7293m² site zoned Rural Area fronting onto Westwood Rd, Tawa.

The rezoning would provide for development of the site for residential use. The application indicates that it is intended to put 2 residential units on the rezoned portion of the site which, if the site is successfully rezoned, would be a permitted activity provided all permitted activity standards were met. No plans have been submitted for the residential units and therefore do not form part of the plan change application. If the plan change were approved, detailed site and building plans would be developed, and any resource consents applied for as required.

3.2 The Site

The site is located on the northern side, at the end of Westwood Road. Westwood Rd is a short cul-de-sac and contains a range of properties zoned Rural, Outer Residential and Open Space B (refer zoning map attached as Appendix 3).

The site is fairly steep rising up from the road frontage with mature vegetation covering much of the site. Vegetation has been cleared along the road frontage and on a knoll on the top of the site.

The site is located within the Ridgelines and Hilltops Overlay. The applicant has not requested the removal of the Ridgelines and Hilltops Overlay from the portion proposed to be rezoned Outer Residential. If the Plan Change is successful the Ridgelines and Hilltops overlay will not constrain the construction of new dwellings but a resource consent will be required for any subdivision.

3.3 Adequacy of the plan change request

3.3.1 Description of Plan Change Request and Consultation

The applicant has provided a site and locality description, an assessment of environmental effects (AEE) and a section 32 analysis.

The applicant has undertaken consultation with property owners/occupiers at the following addresses (and indicated in Appendix Two).

- 1 Westra View
- 5 Westwood Road
- 5a Westwood Road
- 9 Westwood Road
- 11 Westwood Road
- 12 Westwood Road

None of the neighbours consulted about the proposal object to the Proposed Plan Change.

3.3.2 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 part of the Plan Change request..

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.

3.4 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.

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.

Assessments of the options for this private plan change request are set out in the table below.

Council’s options for rejecting, accepting or adopting the plan change request

| 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>It is not 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. • 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 <p>As it is not believed that there is sufficient reason to adopt the private plan change this option is not recommended.</p> |

4. Conclusion

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. 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.

Contact Officer: *Brett McKay, Manager, Planning Policy*

Report Written by: *Alison Newbald, Policy Advisor, Planning Policy*

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 neighbours.

b) Consultation with Maori

None.

c) General Consultation

A public notice will allow other members of the public to make a submission and provide for wider community involvement.

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).



Appendix 1
Extract from Private Plan Change Document

Appendix 2

Location of sites where Applicant has undertaken consultation

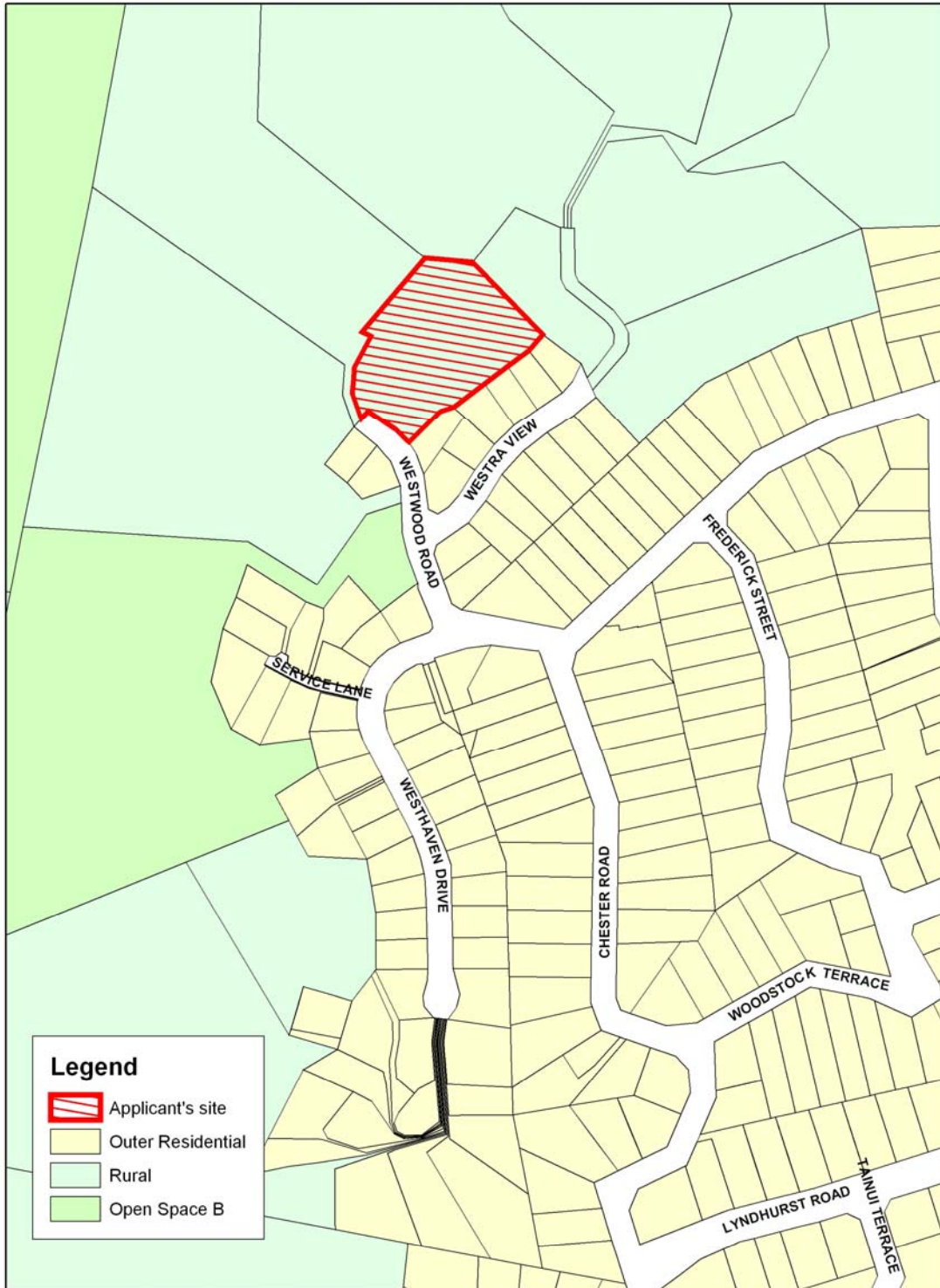


 Applicant's site
 Properties that have been consulted by applicant





0 10 20 40 60 80 1:1,500
 Meters 

Appendix 3

District Plan Zoning Map - Westwood Road and surroundings



Legend

-  Applicant's site
-  Outer Residential
-  Rural
-  Open Space B

0 25 50 100 150 200 Meters

1:3,000 