
REPORT 4
(1215/53/IM)

**PRIVATE DISTRICT PLAN CHANGE REQUEST: 43
SPENMOOR STREET, NEWLANDS, PRIMEPROPERTY
GROUP**

1. Purpose of Report

To consider a request by Primeproperty Group Ltd to rezone 17.7ha of land at No 43 Spenmoor Street (with a total area of 41ha approximately) from Rural Area to Outer Residential.

2. Recommendations

Officers recommend that the Committee:

1. *Receives the information.*
2. *Agrees to accept the proposed private plan change for the re-zoning of approximately 17.7ha of land zoned Rural Area to Outer Residential. The proposed changes to the District Plan will include:*
 - (i) *Amendments to Planning Maps 22 and 23 to show the land proposed to be rezoned from Rural Area to Outer Residential as shown on the plan in Appendix 1 to this report.*

AND

- (ii) *The inclusion of a new Appendix into Chapter 5 Residential Area to include the proposed provisions as set out in Appendix 2 to this report.*
3. *Agrees to publicly notify the proposed private plan change in accordance with the First Schedule of the Resource Management Act 1991.*

3. Discussion

3.1 Background

On 9 June 2006 resource consent was obtained by the applicant (Primeproperty Group) on the site that is the subject of this proposed private plan change (SR 140292). Specifically, the resource consents were for the following:

Subdivision Consent

- A 42 lot rural residential subdivision of a Rural Area site. The lots range from 1600m² – 40840m² in area.

Landuse Consent

- Construction of new road, rights of way and access with associated earthworks; and
- Construction of 40 dwellings on an identified ridgeline and hilltop area.

The resource consent application was publicly notified with 15 submissions received. Three of the submissions were in conditional support and 12 were in opposition. The key issues raised by the submitters in opposition were loss of visual amenity, adverse traffic safety effects due to increased traffic flows and loss of privacy.

The Planning Officer's report was not supportive of the resource consent application. However, following consideration of all the evidence and submissions, the Resource Consents Hearing Committee granted resource consent to the subdivision and landuse consents by a majority decision, with forty seven conditions attached. An appeal to the Environment Court was lodged to the proposal by a submitter; however this was subsequently withdrawn with no change to the proposal as granted.

3.2 The Site

The site of the proposed re-zoning is part of 43 Spenmoor Street, being legally described as Lot 1 DP 382626 held in Identifier 339798. The site is located in Newlands, being to the north east of and above State Highway 1 in Ngauranga Gorge. Vehicle access is from the end of Spenmoor Street, which currently serves other residential properties.

The site is a dome shaped hilltop. To the north it adjoins the residential suburb of Newlands extending out from Newlands Road and Spenmoor Street. From the hilltop the site drops down steeply to an industrial area (zoned Suburban Centre) to the north east, to the south down to State Highway 1 in Ngauranga Gorge and to the west to the unformed Wakely Road which is utilised for recreational purposes. Recently parts of the hilltop have been extensively earthworked (these earthworks being undertaken by the applicant as part of the consent granted in 2006 (SR 140292)). Areas of regenerating native vegetation are present on the lower slopes and in the gullies.

The site is zoned Rural Area (refer to Planning Map in Appendix 3). A number of other notations/restrictions in the District Plan apply to this site, as follows:

- The site is identified in Proposed Plan Change 33 'Ridgelines & Hilltops (Visual Amenity) and Rural Area' (not yet operative) as being within the Ridgelines and Hilltops overlay area. The applicant has not requested the removal of the Ridgelines and Hilltops overlay from the portion proposed to be rezoned to Outer Residential. If the Plan Change is successful the Ridgelines and Hilltops overlay will not constrain the

construction of new dwellings but resource consent will be required for any subdivision.

- The site is identified in Proposed Plan Change 33 (in Appendix 5 to Chapter 15 Rural Area) as an area adjacent to an urban area where sensitively designed rural residential subdivision of generally low density and of varying lots sizes is appropriate. Provision is made for rural residential subdivision in this area as a Discretionary Activity (Unrestricted).
- The site is within the take off and approach fan for Wellington International Airport (Designation G2 on Planning Maps 36, 37 and 38).

3.3 The Plan Change Proposal

Tse Group Limited on behalf of Primeproperty Group Ltd (the applicant) has requested a private plan change for the re-zoning of approximately 17.7ha of the 41ha site at No 43 Spenmoor Street, from Rural Area to Outer Residential in the Wellington City District Plan. This represents approximately 43% of the total site area.

The rezoning would provide for development of the north western side of the domed site along with an area in the middle of the site just below the highest point for residential use at a density similar to the adjacent residential area. In addition to the rules that apply to the Outer Residential zone in the District Plan, the proposed private plan change also introduces a new Appendix to Chapter 5 Residential Area (details are provided in Appendix 2 to this report).

The purpose of this new Appendix is to apply additional rules, and associated standards and terms and assessment criteria to future residential development of the site. This is to give effect to recommended mitigation measures in a landscape assessment prepared by Isthmus Group for the applicant. In relation to future residential buildings on the site the additional rules place a height limit of 5m over a part of the area to be re-zoned (the area to be subject to this restriction is identified on the map in Appendix 1). It also requires cladding and roofing materials of low reflective qualities and external colours to be restricted to subdued natural tones. In relation to a future subdivision of the site, the additional rules require that building platforms are shown for each lot in any subdivision application and that a landscape plan and written specifications be provided.

The applicant has provided an “indicative” subdivision plan (refer to Appendix 4), to enable the effects to be based on a realistic proposal. The subdivision plan shows 114 residential lots in the area to be re-zoned from Rural to Outer Residential. Outside the area to be re-zoned (i.e. to remain Rural Area) the subdivision plan shows eight rural residential lots and a large balance Rural lot (which includes the top of the hill and the eastern side of the site) that were part of the approved 2006 resource consent.

An extract from the Plan Change document which describes the proposal is attached as Appendix 5.

3.4 Adequacy of the plan change request

3.4.1 Description of Plan Change Request and Consultation

The applicant has provided a site and locality description, an assessment of environmental effects (including specialist traffic and landscape assessments and a geotechnical report) and a section 32 analysis. An indicative subdivision layout proposal and plans that show the additional earthworks over and above that consented to under SR 140292, have also been included in the proposed private plan change documentation.

The applicant has undertaken consultation with the following organisations:

- Wellington City Council
- Greater Wellington Regional Council
- Utility companies
- Wellington International Airport

The response from these organisations is summarised briefly in section 9.0 of the Plan Change document. In addition, the applicant has advised that the New Zealand Historic Places Trust and Te Runaanga O Toa Rangitira Inc were sent copies of the proposed private plan change.

There has been no specific consultation with neighbours and Spenmoor Street residents with respect to the proposed private plan change. The applicant has commented on previous consultation with these parties and the issues that arose with respect to the 2006 resource consent.

3.4.2 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 proposed private plan change is publicly notified. This has been prepared by the applicant and is attached as part of the private plan change request.

3.4.3 Additional Information

The applicant has provided the following further information on the request of the Council:

- A final version of the Landscape and Visual Assessment Report (to take into account changes made to the subdivision and earthworks plans)
- Graphics to show the potential visual impact from representative viewpoints, in particular from the south and west.
- Clear information on the mitigation measures that the applicant will implement to mitigate the effects of the proposal.
- An earthworks plan, to also provide cross sections.
- A geotechnical report.
- Information on the design standards for the access road and right of ways.

- A more detailed section 32 analysis.
- Information on the outcome of consultation with Wellington Regional Council and Wellington International Airport.
- Clarification of various other details /statements made in the plan change document.

Following discussions with the Council the applicant has also included a proposed new Appendix to Chapter 5 Residential Area into the plan change documentation to incorporate some of the mitigation measures proposed for the area to be rezoned. It is noted that this method of introducing specific provisions for areas to be rezoned has been previously utilised in Chapter 5 of the District Plan.

It is considered that sufficient information has now been provided for the proposed private plan change request to proceed to notification.

3.5 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).

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 proposed private plan change 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 private plan change will proceed.

To assist the Committee, accepting the proposed plan change means it would remain a private plan change and all processing costs would be met by the applicant. The adoption of the proposed plan 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 request	Evaluation
<p>A plan change request can be rejected on the basis that:</p> <ul style="list-style-type: none"> • It is frivolous or vexatious • The substance of the proposed plan change has been dealt with by Council or the Environment Court in the last two years • The proposed plan change is not in accordance with sound resource management practice 	<ul style="list-style-type: none"> • It is not frivolous or vexatious and has been prepared in accordance with sound resource management practice. • 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.

<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • The change would not make the District Plan inconsistent with Part V of the RMA. <p>This is not the recommended option.</p>
<p>Option - Accept the plan change request</p>	<p>Evaluation</p>
<p>Council would process the proposed 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 proposed plan change means that:</p> <ul style="list-style-type: none"> • The applicant decides what is notified (though further information can be sought). • 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. It is noted that the applicant has also identified that this is the most appropriate course of action.</p>
<p>Option - Adopt the plan change request</p>	<p>Evaluation</p>
<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>	<ul style="list-style-type: none"> • The rezoning from Rural Area to Outer Residential represents a principally private gain. • Adopting the proposed plan change would be interpreted that the Council is not taking a neutral position on the rezoning of Rural Area land to Outer Residential. It is considered that this is particularly that the Council be perceived to be neutral important given the recently approved resource consent for a 40 lot rural residential development on the site (which was publicly notified and attracted submissions in opposition). <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.

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Report Written by: *Louise Miles, Consultant Planner, Incite (Wellington) Limited.*

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

There has been no consultation with neighbours in relation to this proposal.

b) Consultation with Maori

The applicant has sent a copy of the proposal to the Te Runanaga O Toa Rangitira Inc.

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

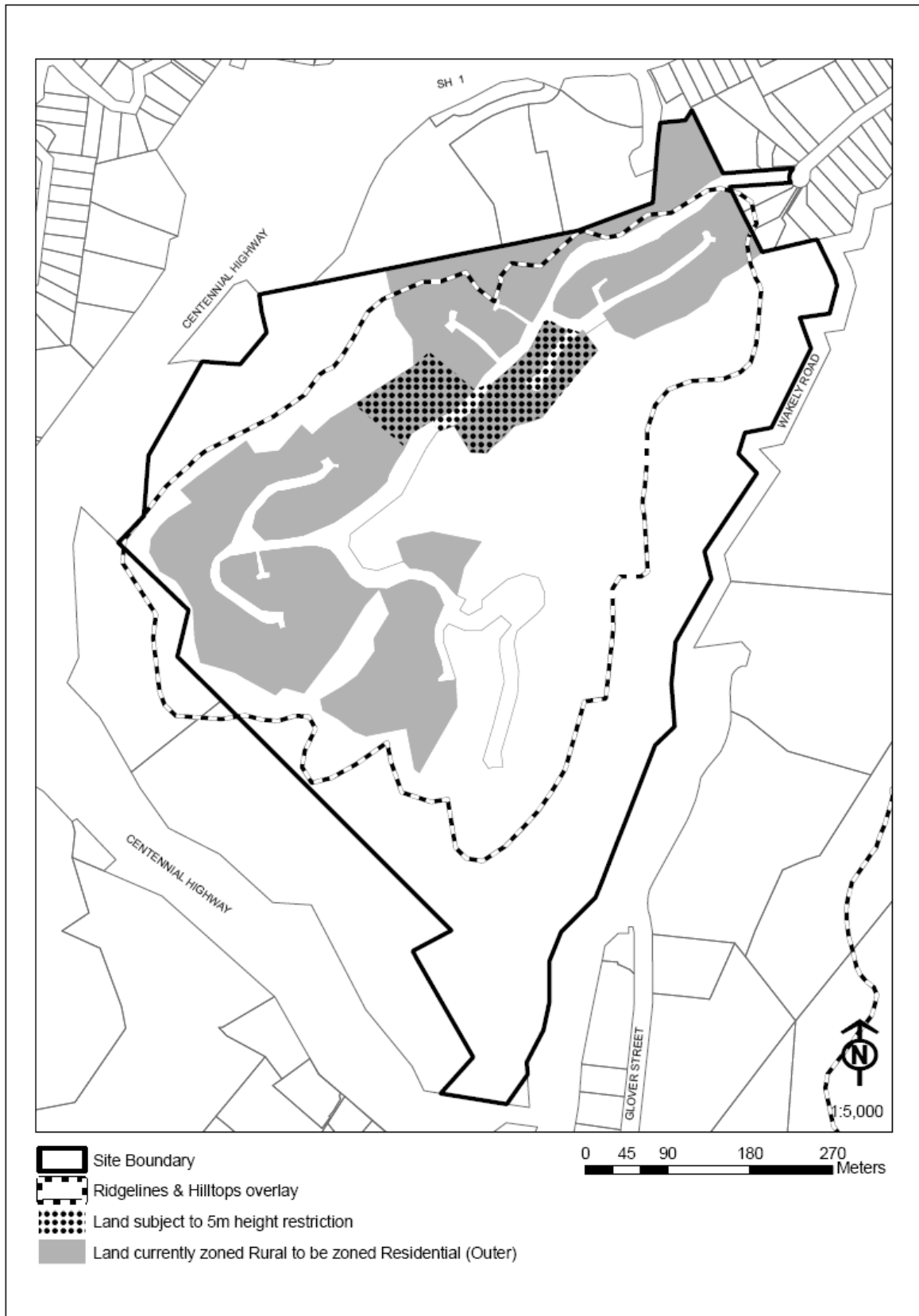
The plan change has been prepared in accordance with the Resource Management Act 1991.

7) Consistency with existing policy

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

APPENDIX 1

Map of Area to be Rezoned (Extract from Private Plan Change Document)



APPENDIX 2

Additional Provisions to Apply to the Area to be Rezoned

(Extract from Private Plan Change Document)

Proposed Appendix

Appendix XX. Subdivision and development Outer Residential, Part Lot 1 DP 382626, Spenmoor Street, Newlands

The following provisions are a result of Plan Change XX to rezone Part Lot 1 DP 382626 from Rural to Outer Residential.

The following rules apply:

Residential Buildings

Residential buildings are a permitted activity in the residential area provided they comply with the conditions set out in Rule 5.1.3. In relation to building height, Rule 5.1.3.4.2 specifies a maximum height of 8m with two exceptions (in Roseneath and Island Bay). The following additional exception is added:

In the Spenmoor Street area as delineated on the attached plan as “Land subject to a 5m height restriction”, the maximum height of dwellings and other buildings on new lots is 5m.

Cladding and roofing materials are not included in the conditions for residential buildings in rule 5.1.3. However, in the Spenmoor Street area the following additional condition is added:

External cladding and roofing materials for all buildings are restricted to those with low reflective qualities. External colours are restricted to subdued natural tones.

Subdivision

As the area is included in the Ridgelines and Hilltops overlay, all subdivision is a Discretionary Activity (Unrestricted) and Rule 5.4.5 applies with the following additions:

Additional Standards and Terms

Building platforms shall be shown for each lot in any subdivision application.

A landscape plan and written specifications must be included with any subdivision application. The landscape plan shall include:

- Areas of existing pines to be retained;
- Location and extent of any fencing of covenanted bush;
- Location and extent of any pest animal control program;

APPENDIX 2

- Street tree and associated public area landscape planting
- Identification of internal access ways, public furniture and areas, including any proposed foot paths, seats, etc.

Additional Assessment Criteria

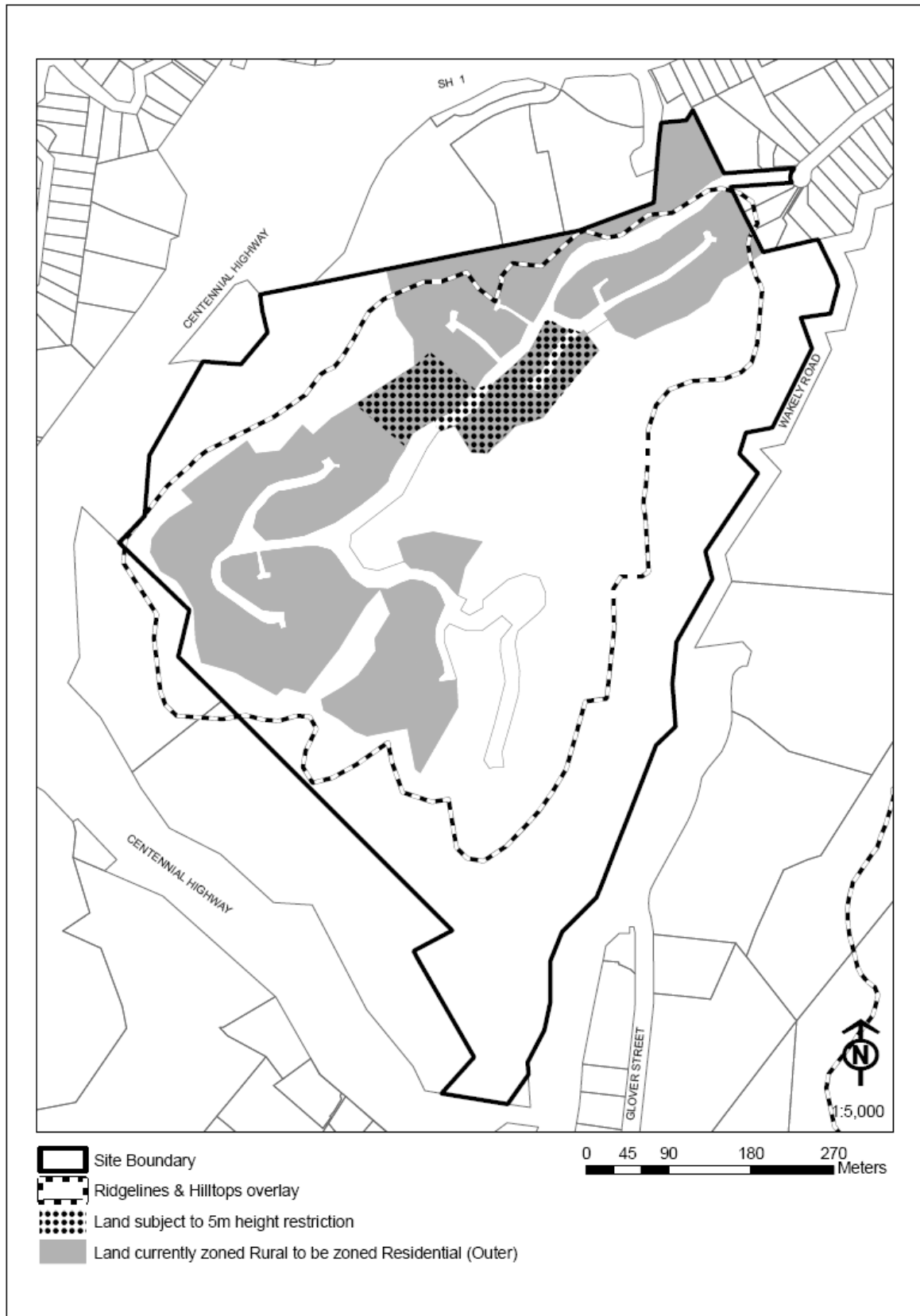
The extent to which any earthworks blend into adjoining landforms.

The level of protection afforded to covenanted areas of regenerating indigenous vegetation.

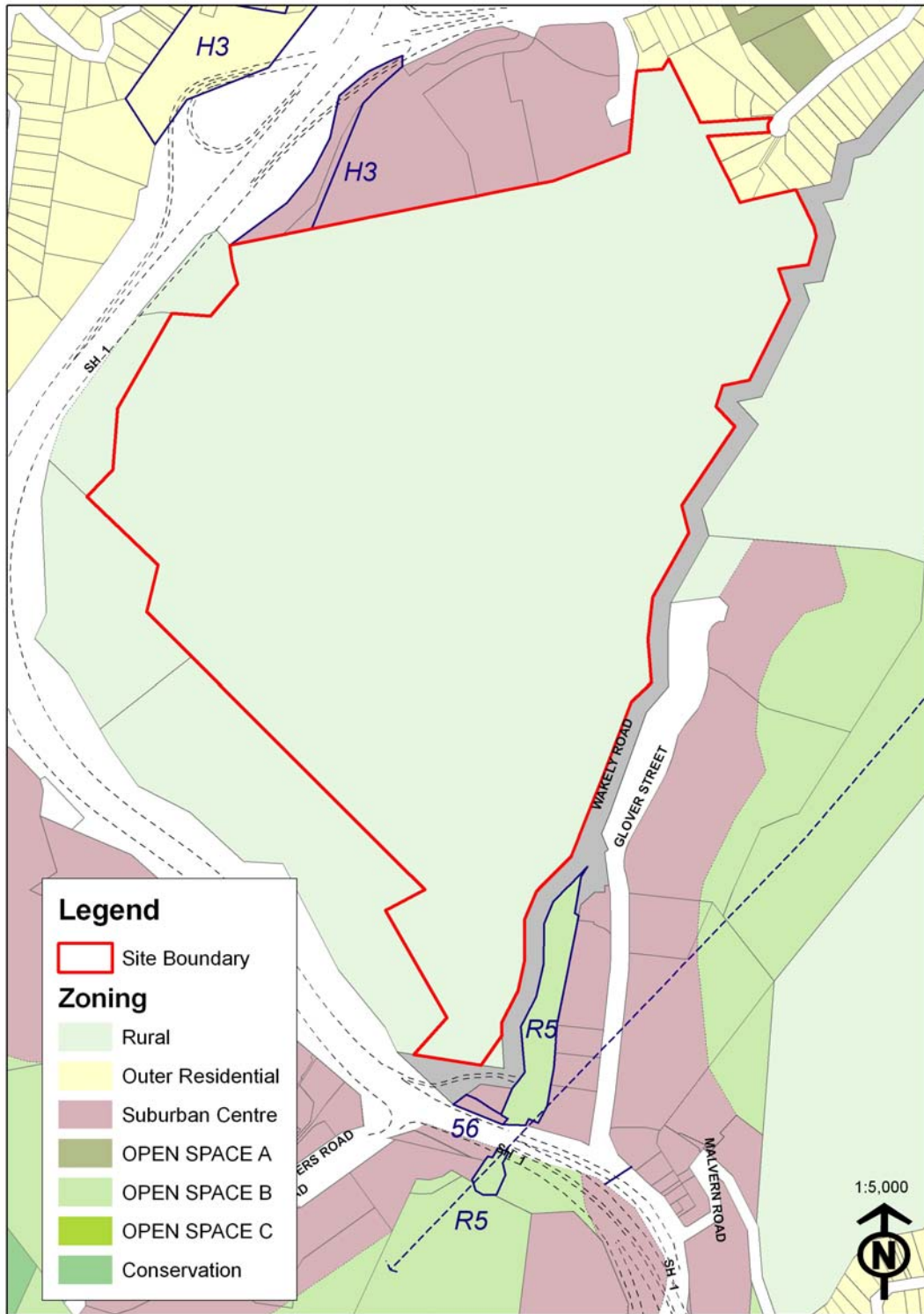
The appropriateness of the landscape plan.

APPENDIX 2

Proposed Appendix XX Map



Current District Plan zoning



Indicative Subdivision Plan



APPENDIX 5

Extract from Private Plan Change Document