

APPENDIX 1

Proposed District Plan Change 63

General Minor Amendments to
District Plan text and maps III

21 February 2008

Plan Change Document

Wellington City District Plan

Proposed District Plan Change 63

General minor amendments to District Plan text and maps III

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to the General Provisions, Suburban Centre Rules and Heritage chapters, and District Plan Maps. To assist the understanding of the new provisions, annotated copies of the Volume One chapters (Chapter 3, 7, and 21) are attached as Attachment 1 to this document. Amendments to District Plan Maps are shown on Attachment 2.

A. ALTERATIONS TO VOLUME ONE, GENERAL PROVISIONS

Chapter 3, "General Provisions." Insert new provisions by making the following amendments:

1. **Delete** the following text from bullet point 'a' in the definition for "Commercial Sex Activities:"

 'massage parlours required to be licensed under the Massage Parlours Act 1978,'
2. **Delete** the following text from bullet point 'b' in the definition for "Commercial Sex Activities:"

 'required to be licensed under the Massage Parlours Act 1978'
3. **Add** the following text to bullet point 'b' in the definition for "Commercial Sex Activities" after the words 'which are not:'

 brothels in terms of the Prostitution Reform Act 2003.

B. ALTERATIONS TO VOLUME ONE, SUBURBAN CENTRE RULES APPENDIX 5

4. **Amend** the existing Appendix 5 map to Chapter 7 (Suburban Centre Rules) by extending the area of land described as 'B' as shown in Attachment 1 of this report.

C. ALTERATIONS TO VOLUME ONE, HERITAGE RULES (LISTED BUILDINGS)

5. **Amend** the table of listed heritage buildings in the appendix to Chapter 21 by correcting the address and/or name of items described as symbol references 92/1, 93/2, 312/1, 312/2, 312/3, 313, 324, 355/1, 355/2, 358, 360, and 373.

D. ALTERATIONS TO VOLUME THREE, MAPS 7, 10, 12, 14, 16, 20, 21, 26

6. Provide for the **rezoning** or **part rezoning** of sites as shown on maps A - F in Attachment 2 of this report.
7. **Amend** location of heritage building symbol references 92/1, 93/2, 312/1, 312/2, 312/3, 313, 324, 355/1, 355/2, and 358 to planning map 16, as shown on map G in Attachment 2 of this report.

ANNOTATED CHAPTERS OF THE OPERATIVE DISTRICT PLAN INCLUDING PROPOSED DISTRICT PLAN CHANGE PROVISIONS

Note: This annotated version does not form part of the plan change, and is included for information purposes to show the plan change proposal in context.

*Proposed **additions** to text are shown as underlined (abcdefghijkl) and proposed **deletions** are shown as struck through (~~abcdefghijkl~~).*

3. DISTRICT PLAN GENERAL PROVISIONS

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3.10 Definitions

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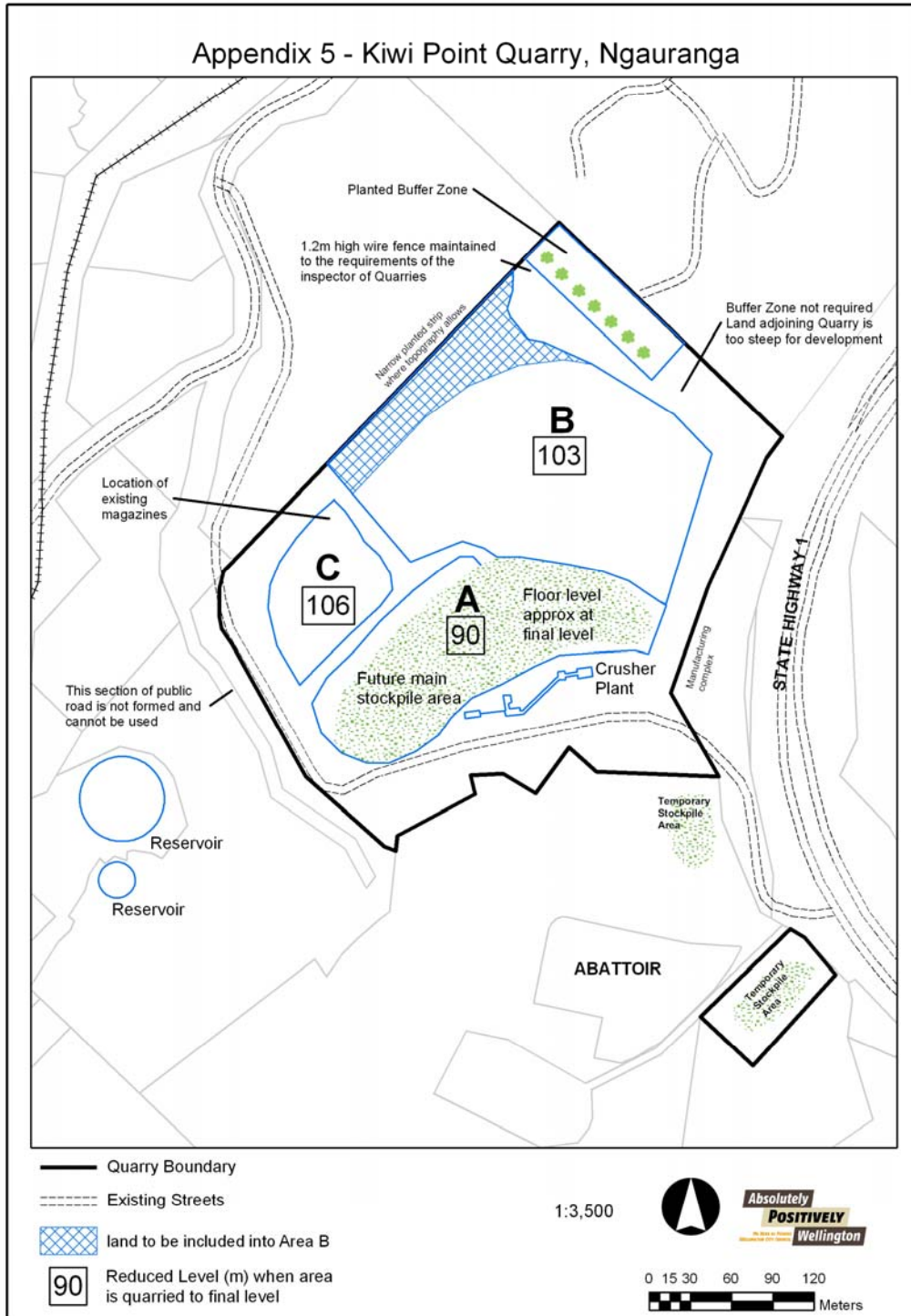
[COMMERCIAL SEX ACTIVITIES: means activities occurring within premises used or intended to be used primarily for exposing, selling, promoting or hiring goods or services related to sexual behaviour; and

- (a) to avoid any doubt includes activities associated with strip clubs, rap parlours, peep shows, lap dancing bars, ~~massage parlours required to be licensed under the Massage Parlours Act 1978~~, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but
- (b) does not include activities associated with hospitals, healthcare services, chemists, community welfare facilities, or premises where therapeutic massage is offered and which are not ~~required to be licensed under the Massage Parlours Act 1978.~~ brothels in terms of the Prostitution Reform Act 2003.

...

7. SUBURBAN CENTRE RULES

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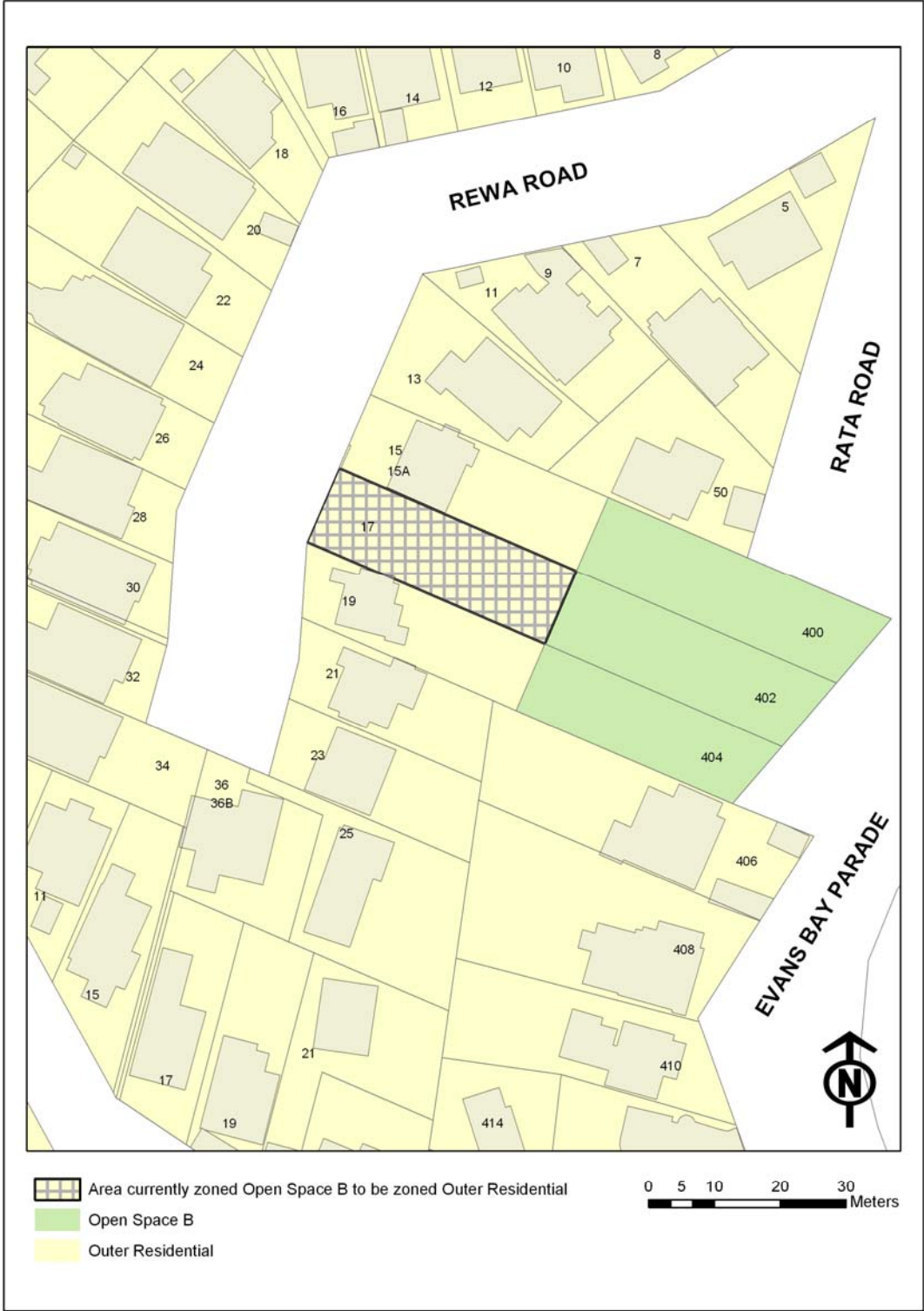
Amendments to Listed Heritage Building table – Chapter 21 Appendix

HERITAGE LIST: BUILDINGS				
Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Cuba Street	272	Building (Norml Tattoo Studio) 1896	16	92/1
Cuba Street	*	Building (Norml Tattoo Studio) 1896 (relocated from 272 Cuba Street as part of Inner City Bypass Project)	16	92/1
Cuba Street	289-291	Commercial/Residential Building 1900	16	93/2
Cuba Street	*	Commercial/Residential Building 1900 (relocated from 289-291 Cuba Street as part of Inner City Bypass Project)	16	93/2
Tonks Ave	1	Worker's Cottage 1880-90	16	312/1
Tonks Grove	*	Worker's Cottage 1880-90 (relocated from 1 Tonks Avenue as part of Inner City Bypass Project)	16	312/1
Tonks Ave	3	Worker's Cottage 1880-90	16	312/2
Tonks Grove	*	Worker's Cottage 1880-90 (relocated from 3 Tonks Avenue as part of Inner City Bypass Project)	16	312/2
Tonks Ave	5	House 1880-90	16	312/3
Tonks Grove	*	House 1880-90 (relocated from 5 Tonks Avenue as part of Inner City Bypass Project)	16	312/3
Tonks Ave	13	Stagecraft Theatre 1906	16	313
Kensington Street	*	Stagecraft Theatre 1906 (relocated from 13 Tonks Avenue as part of Inner City Bypass Project)	16	313
Vivian Street	215	Woodside 1884	16	324
Oak Park Avenue	*	Woodside 1884 (relocated from 215 Vivian Street as part of Inner City Bypass Project)	16	324
Willis Street	278	Building 1920	16	355/1
Abel Smith Street	*	Building 1920 (relocated from 278 Willis Street as part of Inner City Bypass Project)	16	355/1
Willis Street	282-286	Building (Bar Bodega) 1901	16	355/2
Willis Street	*	Building (Bar Bodega) 1901 (relocated from 282-286 Willis Street as part of Inner City Bypass Project)	16	355/2
Willis Street	319	Building 1908	16	358
Abel Smith Street	*	Building 1908 (relocated from 319 Willis Street as part of Inner City Bypass Project)	16	358
Westchester Road Drive East	300 1	Cobb House-Braid Cottage 1867	26	373
Willowbank Road, Tawa Middleton Road	29 420	Greer House	26	360

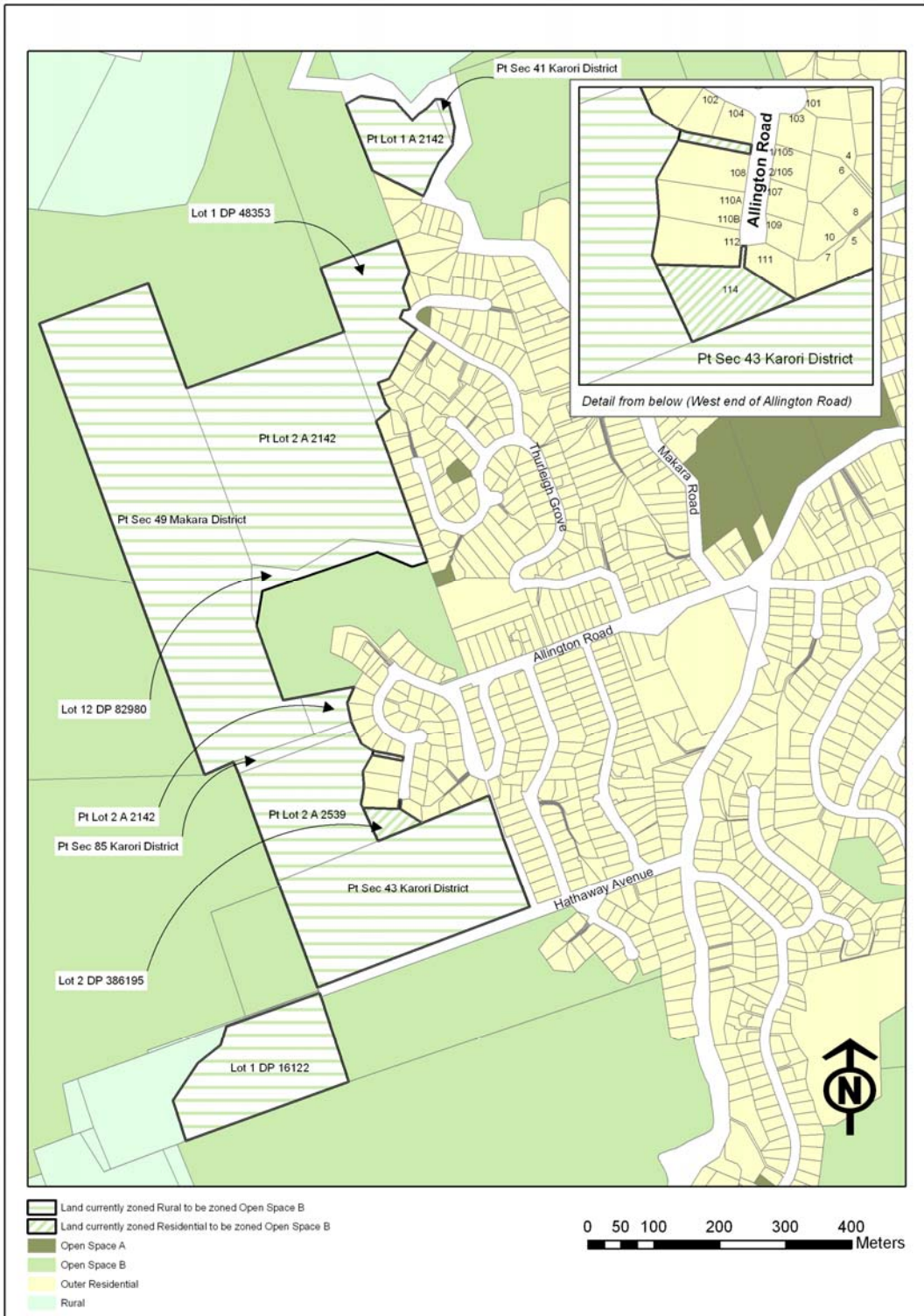
* - Buildings relocated as part of the Inner City Bypass Project. Street addresses and building descriptions will be confirmed upon completion of final survey plans for these properties.

Changes to District Plan Maps

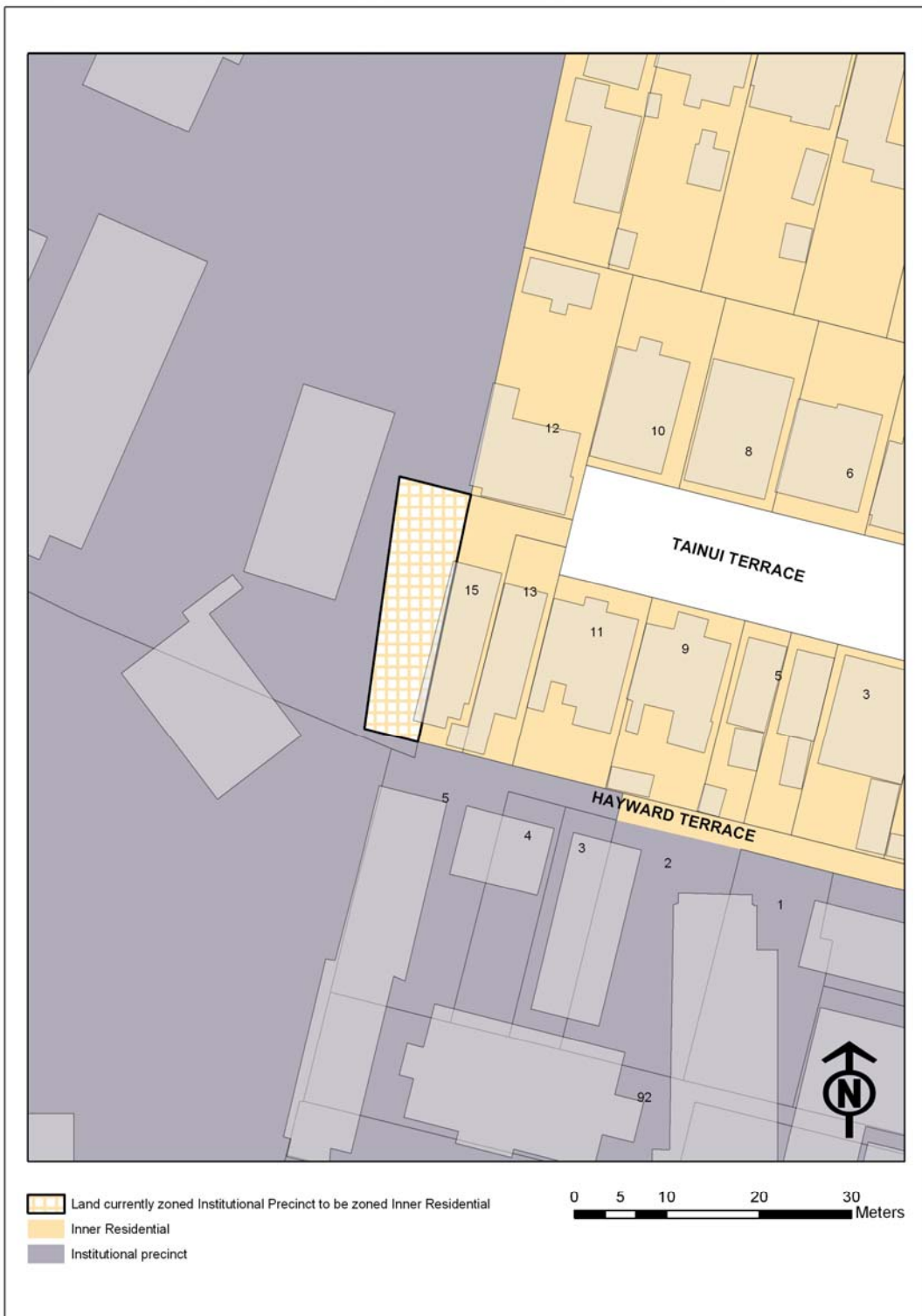
MAP A – rezoning of 17 Rewa Road, Hataitai (Planning Map 7)



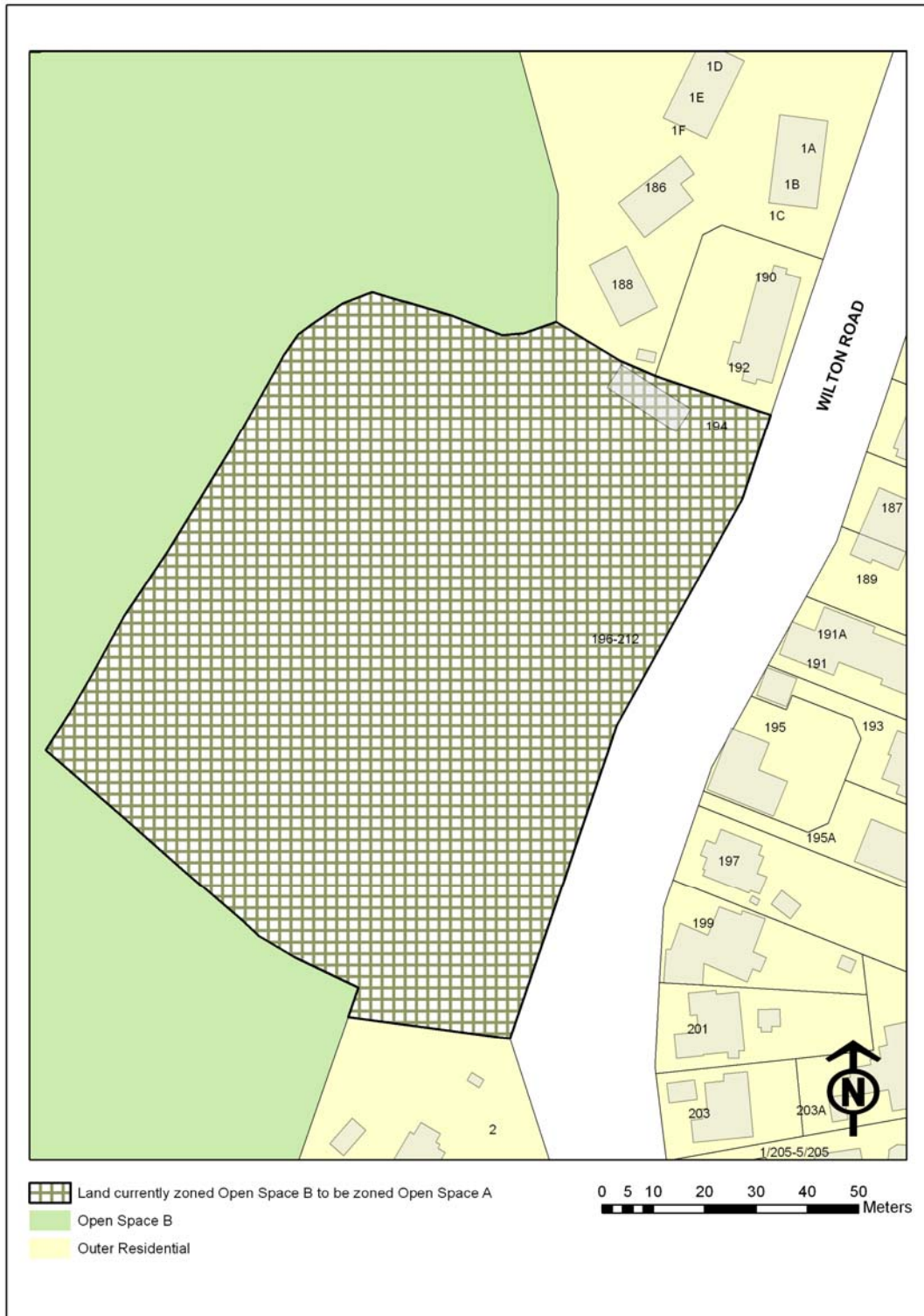
MAP B – rezoning or part rezoning of 12 sites, Makara Peak Mountain Bike Park, Karori (Planning Map 10)



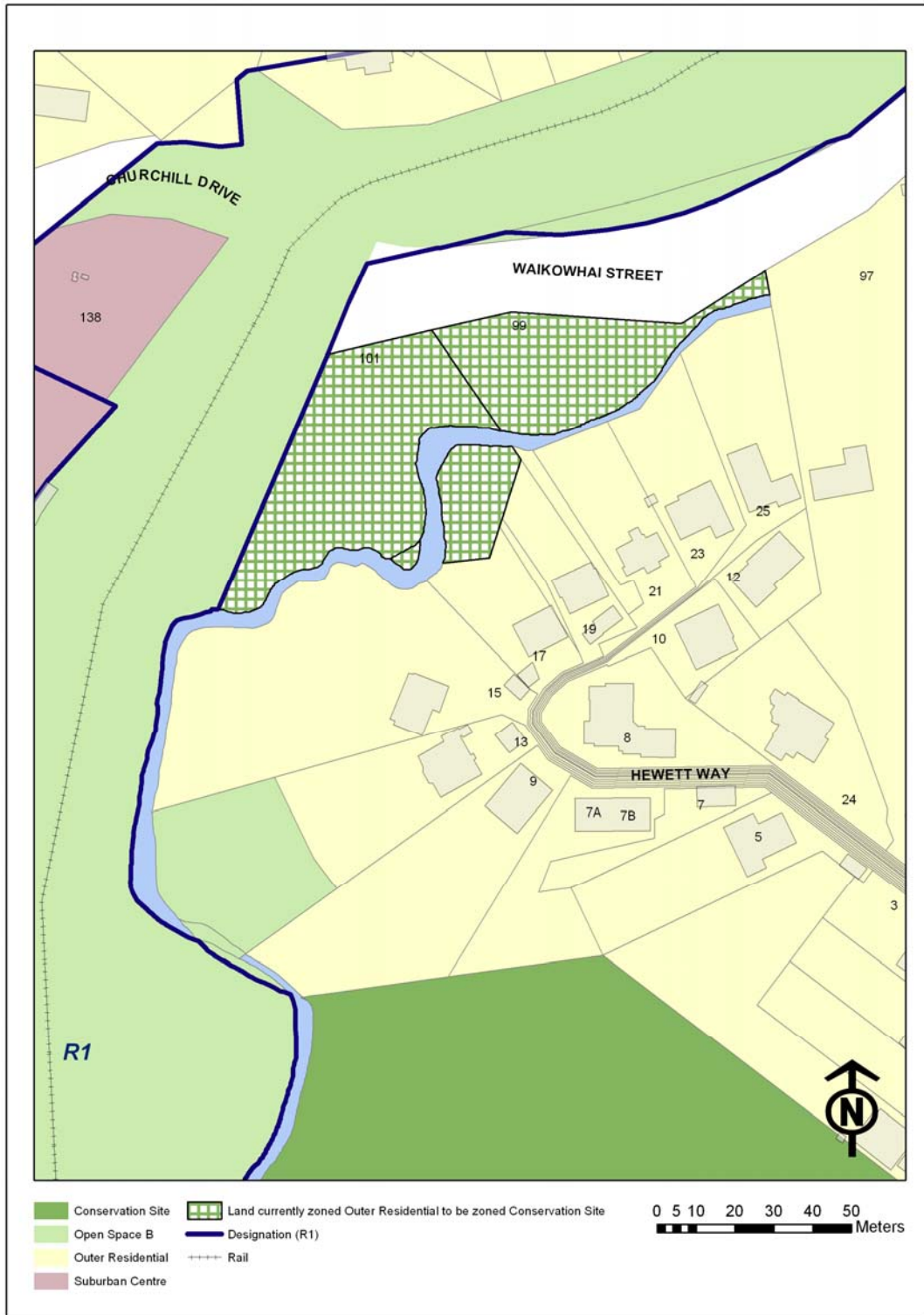
MAP C – rezoning of 15 Tainui Terrace, Mt. Cook (Planning Maps 12 & 16)



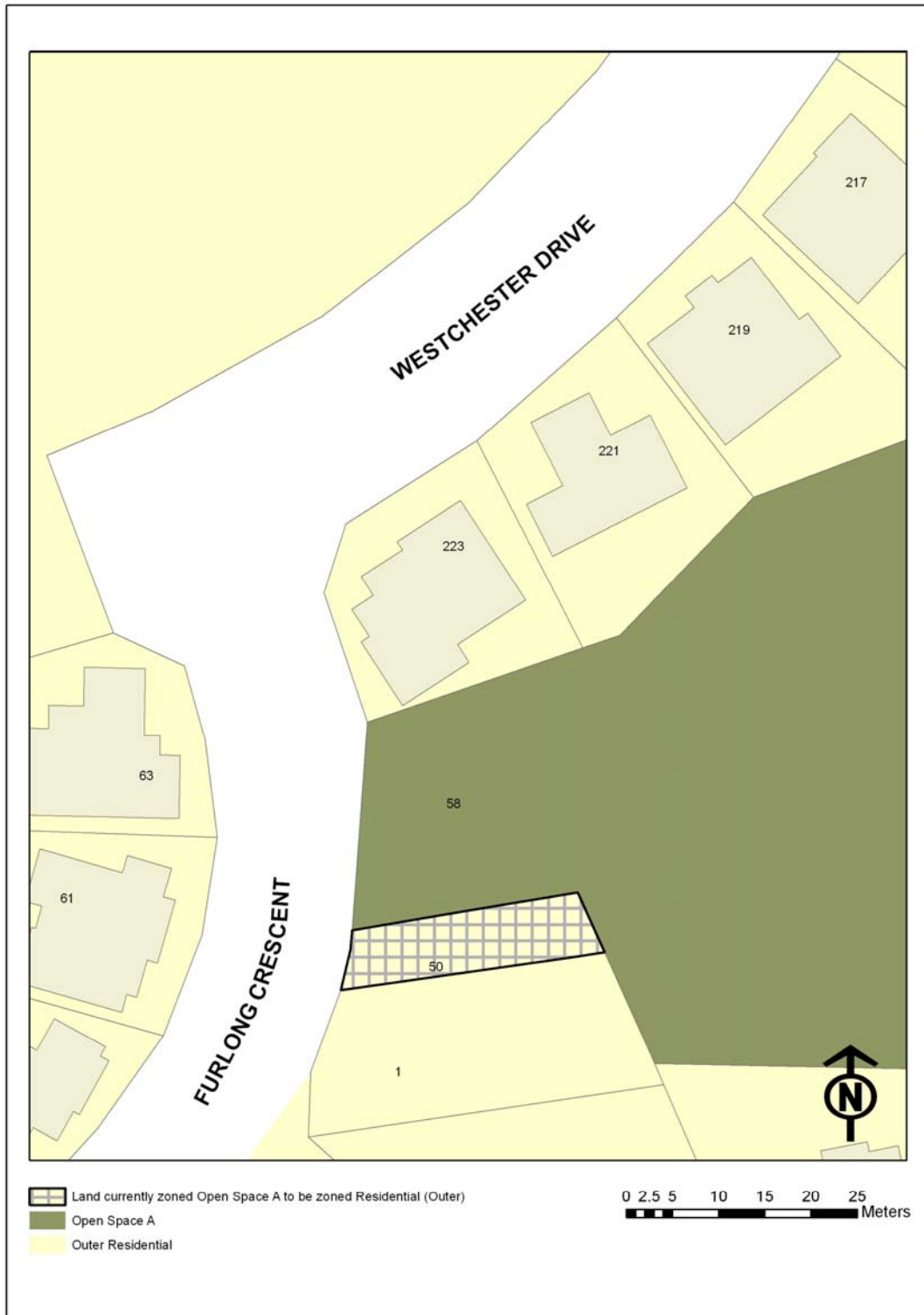
MAP D – rezoning of part of LOT 5 DP 64470, Wilton sportsground
(Planning Map 14)



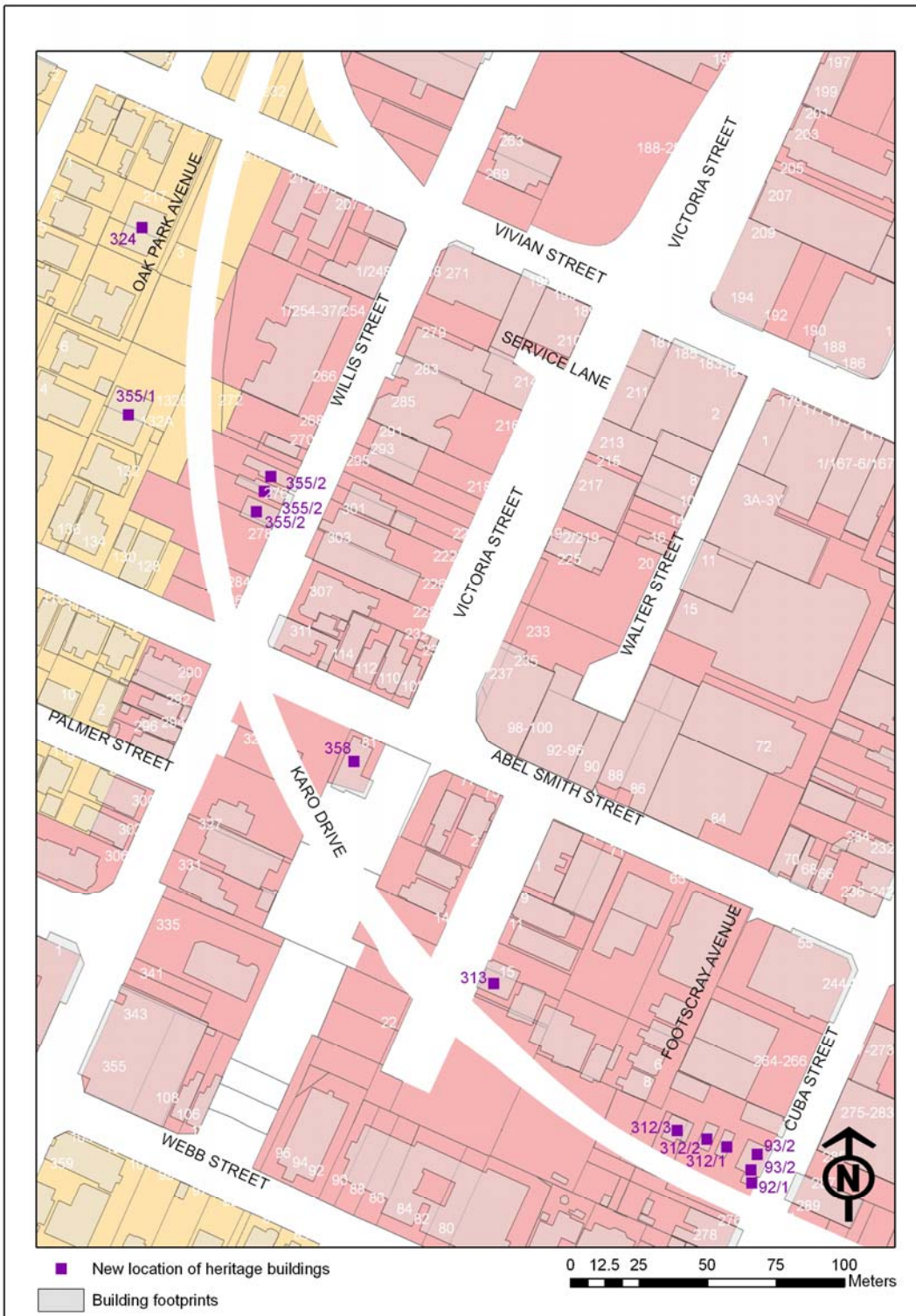
MAP E – rezoning of 99 and 101 Waikowhai Street, Ngaio (Planning Maps 20 & 21)



MAP F – rezoning of 1 Edington Grove, Churton Park (Planning Map 26)



MAP G – Amendment to Heritage notations (Planning Map 16)



Section 32 Report

PROPOSED DISTRICT PLAN CHANGE 63: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS

1. Introduction

Section 32 of the Resource Management Act 1991 (the Act) stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. This Plan Change proposes to make general minor amendments to the District Plan in order to ensure its smooth functioning. Due to the nature of the proposed amendments there are only limited options available and this report has been prepared to address the Section 32 requirements.

2. Context

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. The District Plan is the primary vehicle for achieving the purpose of the Act. It provides for the management of activities in the Wellington City District through objectives, policies and rules. To continue promoting the sustainable management of resources over time, it is necessary to amend the district plan and respond to changes in the environment and land ownership.

No alterations are proposed to the existing objectives and policies through this proposed Plan Change. This Plan Change relates primarily to amending the District Plan planning maps, including zone changes and corrections of errors, and the text of some rules of the District Plan.

3. Process & Consultation

Since the District Plan became operative, a file has been maintained of issues or items that might be dealt with by way of a change to the Plan. In general, minor items have been collected on a yearly basis and put forward as a composite plan change.

Consultation has been undertaken with Council internal business units (including Property, Parks & Gardens, Policy, and Infrastructure), as well as with individual property owners in respect of Tanui Terrace.

Statutory Consultation

Consultation on the entire proposed district plan change was also undertaken with those parties identified in the Schedule One of the RMA:

- Ministry for the Environment
- Tenth Trust (Te Atiawa)
- Te Runanga O Toa Rangatira Inc
- Greater Wellington (Regional Council)
- Department of Conservation

One response was received by the Department of Conservation by way of telephone call. The basis for the call was to clarify matters pertaining to the rezoning at 17 Rewa Road. Verbal explanation was given by Council officer as to the nature of the change, the site's history, and its setting. In addition, a map was sent to DOC for clarification – no further correspondence was received prior to this report being prepared.

4. Options

The following two tables provide an analysis of the costs and benefits of the proposed amendments to District Plan zones (Table 1), and provisions (Table 2)) to assess the efficiency, effectiveness and appropriateness of the proposed Plan Change.

Only two options have been considered for this assessment due to the nature of these proposed minor amendments: do nothing or to amend the District Plan as proposed.

Instead of assessing the selected cases individually, a cost/benefit and appropriateness assessment has been undertaken for each subject group: zone changes, and amendments of District Plan provisions.

Table 1: Matrix of Options for the Proposed District Plan Change (Zone Changes)

	OPTION 1: Do Nothing – leave land use zoning as is	OPTION 2: Rezone land as proposed This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs - if proposed zoning is not applied to sites with natural character or recreation values (Conservation Site and Open Space) then these values may be lost. • Economic costs – if inappropriate zoning has to be changed at a later stage through a Private Plan Change (additional costs of compliance) or if inappropriate decisions are made when sites are not zoned appropriately • Inappropriate zoning may also result in a landowner requiring resource consent for an activity that would normally be permitted under the correct zoning • Social costs – if prospective Open Space or Conservation Sites become unavailable for active or passive recreational use due to inappropriate zoning and development 	<ul style="list-style-type: none"> • Environmental costs – unlikely • Economic costs – costs of processing the Plan Change • Social costs – potential for the community to be unsatisfied with future use of 17 Rewa Road.
Benefits	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – none • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – future protection of Open Space and Conservation Site zones • Economic benefits – land value is maximised with appropriate zoning, land can be fully utilised for development on Residential property at Rewa Road. • Social benefits – reassurance is given to the community that recreation opportunities will remain available in the future (e.g. Makara Peak Mountain Bike Park).
Efficiency and Effectiveness of	<ul style="list-style-type: none"> • Limited. The Plan’s objectives can neither be efficiently nor effectively achieved in terms of land 	<ul style="list-style-type: none"> • High. Most efficient and effective in achieving the Plan’s objectives and policies in terms of land use

achieving Objectives	use planning	planning <ul style="list-style-type: none"> • Guarantees the smooth functioning of the District Plan
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Limited. Not considered appropriate, because the zoning of selected sites does not reflect the current or most appropriate land use (and may lead to land use conflicts and greater costs of compliance) 	<ul style="list-style-type: none"> • High. Appropriate, because proposed zone changes reflect current or most appropriate land use.

Table 2: Matrix of Options for the Proposed District Plan Change (Volume One provisions)

	OPTION 1: Do Nothing – leave anomalies in District Plan provisions	OPTION 2: Amend District Plan provisions as proposed This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – if resource consent is obtained for inappropriate development due to District Plan anomalies and inconsistencies • Economic costs – if anomalies in provisions have to be corrected at a later stage through a Private Plan Change or if inappropriate decisions are made when anomalies remain in District Plan provisions • Social costs – potential for community to be unsatisfied with planning outcomes 	<ul style="list-style-type: none"> • Environmental costs - unlikely • Economic costs – costs of processing the Plan Change • Social costs – unlikely
Benefits	<ul style="list-style-type: none"> • Environmental benefits – no change • Economic benefits – none • Social benefits – none 	<ul style="list-style-type: none"> • Environmental benefits – unlikely • Economic benefits – reduced risk of misinterpretation of provisions due to improved clarity • Social benefits – unlikely
Efficiency and Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • Limited. The Plan’s objectives cannot be efficiently nor effectively achieved as long as District Plan provisions are silent, inconsistent and/or contain anomalies 	<ul style="list-style-type: none"> • High. Most efficient and effective in achieving the Plan’s objectives • Improves the smooth functioning of the District Plan
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Limited. Not considered appropriate as long as District Plan provisions are silent, inconsistent and/or contain anomalies 	<ul style="list-style-type: none"> • High. Appropriate, because proposed minor amendments improve consistency throughout the District Plan