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REPORT OF THE DISTRICT PLAN HEARINGS COMMITTEE

SUBJECT:	PROPOSED DISTRICT PLAN VARIATION No. 2 – Amendments and Deletions to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)
COMMITTEE MEMBERS:	COUNCILLOR FOSTER (CHAIR) COUNCILLOR AHIPENE-MERCER COMMISSIONER STUART KINNEAR
DATE OF HEARING:	27-28 AUGUST AND 27 SEPTEMBER 2007

INTRODUCTION

District Plan Variation 2 was introduced as a consequence of proposed District Plan Change 45 (DPC 45). DPC 45 provides for the rezoning of rural land on the periphery of the city to cater for new urban growth and includes a structure plan for the Lincolnshire Farm area. In respect of the Lincolnshire Farm area, the variation makes various consequential amendments to the existing rural area provisions of the District Plan and the rural area provisions, as amended by proposed District Plan Change 33 (DPC 33). DPC 33 introduced new provisions for the management of development of ridgelines and hilltops, rural subdivisions and the erection of houses in the landscape.

The following three matters are addressed under Variation 2:

- The policy provision relating to the establishment of a road connection between Mark Avenue and Jamaica Drive with a link to the Grenada Interchange.
- The provisions relating to the subdivision of land in the Woodridge Estate between Ladbrooke Drive and Horokiwi illustrated in Appendix 3 to the Rural Rules. (Note: This is the land subject to an Environment Court Consent Order dated 18/10/99).
- The realignment of a section of the boundary between the Horokiwi Area and Lincolnshire Farms included as Appendix 9 to the Rural Rules. Appendix 9 illustrates the area to which the subdivision rules for Horokiwi apply, (Rule 15.4.5).

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1. RECOMMENDATION

It is recommended that the Council:

1. *Receives the information.*
2. *Approves Proposed District Plan Variation 2 as set out in the Public Notice on 23 September 2006.*
3. *Accept or reject the submissions to Variation 2 to the extent that they accord with recommendation 2 above.*

4 SUBMISSIONS

Submissions were received from:

- 1 Prichard Group Limited on behalf of W Moore, N E and T B Ross-Wood
- 2 A Page
- 3 L E and G Eustace
- 4 G D'Arcy-Smith*
- 5 Lincolnshire Farm Limited
- 6 Woodridge Estate Limited

*One further Submission was received from Mr D'Arcy-Smith. This was a copy of Mr D'Arcy-Smith's main submission and did not support or oppose any other submission. Accordingly it was not accepted as a valid further submission.

2. BACKGROUND

The Road Connection between Mark Avenue and Jamaica Drive and the Link to the Grenada Interchange

When the proposed District Plan was notified in 1994, a policy statement and map notation was included in the Rural Chapter relating to a proposed roading connection between Mark Avenue and Jamaica Drive. When the Rural Chapter of the District Plan was reviewed in 2004 as DPC 33, these provisions were carried over into the new Rural Chapter.

As the proposed structure plan for the Lincolnshire Farm area under DPC 45 addressed more comprehensively the future roading connections in the area, it was deemed appropriate to delete the Mark Ave/Jamaica Dr/ Grenada Interchange connection from the Rural Chapter of the Plan. The proposed road alignment is shown on the Structure Plan maps under DPC 45.

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The Woodridge Estate Land

Special provisions apply to the Woodridge Estate land generally to the east of the main ridge that traverses the site. These arose from a settlement of an Environmental Court appeal from the owners in 1999. The settlement recognised that the land is suitable for rural/residential subdivision subject to the application of controls relating to the permitted number of household units, lot size, subdivision and the visual effects of building development and earthworks. These special provisions were carried over into DPC 33 when this plan change was notified in May 2004.

The proposed structure plan under DPC 45 continued to identify the Woodridge Estate land to the east of the ridge as being suitable for rural/residential purposes. However, as it was intended that the DPC 45 provisions would become the dominant planning measures it was deemed appropriate to delete the existing special provisions under DPC 33.

The Horokiwi Area Boundary

One of the primary aims of DPC 33 was the introduction of new rules for the control of subdivision in rural areas. It was proposed that the 'blanket' area-wide rules that previously applied should be replaced by rules tailored for different localities.

After an extensive consultative process it was determined that restrictive subdivision rules be retained for Horokiwi to assist in maintaining the existing rural character of this area. The specific control provisions were set out in Rule 15.4.5 but the boundary of the Horokiwi area had not been defined to clarify the operation of the rule. The Council then agreed that a new Appendix be included in the rule showing the boundary of the Horokiwi Area and a map was included that replicated the boundary of the Horokiwi Area in the Horokiwi Community Plan.

However, because the Community Plan boundary included extensive areas of adjacent land owned by Lincolnshire Farm Limited which had been ear-marked for future urban growth under DPC 45, for land use planning reasons it was therefore determined that the boundary defining the application of Rule 15.4.5 under DPC 33 should not include land that was integral to the future growth of the city under DPC 45.

3. CONSIDERATION OF SUBMISSIONS

The Horokiwi Boundary issue

The only issue of contention arising from the submissions to Variation 2 related to the proposed Horokiwi boundary amendment.

The Prichard Group Limited on behalf of W Moore, N E and T B Ross-Wood and G D'Arcy-Smith opposed the amendment of the Horokiwi boundary and sought the deferral of this variation so that issues relating to the proposed development of their respective lots in Horokiwi could be resolved.

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The Committee heard that W Moore, N E and T B Ross-Wood and G D'Arcy-Smith have been seeking approval to subdivide their lots in Horokiwi and are of the view that this would be aided by an acknowledgement that the land is suitable for urban development or at least rural/residential subdivision. They sought the inclusion of a map clearly delineating that their land was within the boundary of the Northern Growth Management Framework area.

W Moore, N E and T B Ross-Wood have pursued this aim through proposed Plan Change 36 (NGMF Policy Reference), which they have appealed, and DPC 45 (Urban Development Area and Structure Plans). They have also sought a resource consent for subdivision which was declined and they have appealed that decision to the Environment Court.

G D'Arcy-Smith is also a submitter to proposed DPC 45 and has also requested the right to subdivide his Horokiwi property.

L E and G Eustace, residents of Van Der Velden Way, also oppose the Variation 2 amendment on the grounds that it would facilitate the urbanization of land closer to the existing Horokiwi rural/residential development in the vicinity off Hillcroft Road and Van Der Velden Way.

The adjoining owners, Lincolnshire Farm Limited and Woodridge Estate Limited supported the amendment of the boundary.

Consideration

Concerning Proposed Variation 2 the Committee accepted that there were two key considerations. The first was that the urbanisation of the land to the west of Horokiwi has been signalled for the past 30-40 years and has more recently been confirmed through the Northern Growth planning exercise. This entailed significant public engagement processes. The land was originally identified on the former Hutt County planning maps for future residential purposes and following the amalgamation with Wellington City it was given a deferred urban zoning. With the introduction of the new District Plan in 1994 under the Resource Management Act, the land was zoned rural but a policy statement was included referring to the suitability of the area for future growth and development. Most recently, DPC 45 has proposed a rezoning to facilitate new urban development in accordance with a structure plan for the area. This has addressed the interface area between the rural area of Horokiwi and the future urban development to the west. DPC 45 has of course been subject to the same processes as Variation 2.

The key feature of the proposed structure plan regarding the interface area is the intention to provide a buffer of open space or rural /residential development adjacent to the existing Horokiwi properties. There will not be a concentration of intensive suburban housing abutting of the Horokiwi properties. The Committee agreed that the structure plan proposals provide for a reasonable transition between the rural area of Horokiwi and the new urban development to the west.

In the longer term, the outlook from Horokiwi to the west is proposed to change from rural to urban and the Committee noted that this appears to have been generally

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accepted by the residents of Horokiwi. There has been no substantial opposition to the proposed rezoning of this land. Accordingly, the Committee recommends that the Horokiwi boundary be adjusted as proposed in Variation 2 to facilitate the future urban development of the area.

The second important consideration accepted by the Committee was that the current policy for Horokiwi is to retain the area as a rural enclave generally in its present state. Horokiwi is currently zoned rural with tight subdivision provisions designed to prevent the further fragmentation of land.

The Committee was advised that during 2001/2002 the Council undertook a review of the rural areas of the city including Horokiwi. This review eventually led to the notification of District Plan Change 33 that introduced modified subdivision provisions for most rural areas and new controls on the siting of houses in the landscape. However, the majority of residents in Horokiwi preferred to retain the area generally in its current form so no changes were proposed to the existing restrictive subdivision provisions.

The Committee was therefore of the view that as the Council's current planning policy is clearly to facilitate the urban development of the Lincolnshire Farm and Woodridge lands and to retain the existing rural character of Horokiwi, the amendment of the Horokiwi boundary as proposed in Variation 2 is appropriate. The Committee did not support the request to defer the proposal to enable matters relating to the urbanisation or more intensive rural residential development of parts of the Horokiwi area to be further considered.

Furthermore the Committee particularly noted that the Moore/Ross-Wood/D'Arcy-Smith land is to the east of Horokiwi Road and its development would constitute a significant expansion of the urban footprint of the city beyond that considered appropriate for a wide range of policy reasons. The Committee considered it hard to contemplate circumstances where policy would provide for more intensive development in Horokiwi, especially to the east of Horokiwi Road.

Decision

That the submissions from Moore, N E and T B Ross-Wood, G D'Arcy-Smith and L E and G Eustace relating to the proposed Horokiwi boundary amendment not be accepted.

Other Matters

Lincolnshire Farm Limited supported the deletion of the proposed Mark Avenue/Jamaica Drive/Grenada Interchange link and Woodridge Estate Limited supported the removal of the special rural/residential provisions applying generally to the land east of the main ridge traversing the Woodridge land.

Ms A Page opposed the proposed link road to Petone on the grounds that it would affect the house she is currently renting. She also commented that few people in

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Horokiwi support the proposed road and it will bring more people, traffic and crime to the currently quiet rural area.

Consideration

The Committee noted the support for the above aspects of Variation 2 which were considered necessary to facilitate the implementation of Plan Change 45.

The Committee did not support the submission from A Page noting that this was not a matter relevant to Variation 2. It was noted that the proposed link road is part of the structure plan provisions under DPC 45 and that the submitter had also made a submission to this plan change.

Decisions

That the submission from Lincolnshire Farm Limited supporting the deletion of the Road Connection between Mark Avenue and Jamaica Drive and the Link to the Granada Interchange be accepted.

That the submission from Woodridge Estate Limited supporting the removal of the special rural/residential provisions applying generally to the land east of the main ridge traversing the Woodridge land be accepted.

That the submission from A Page opposed to the proposed link road to Petone not be accepted.

Andy Foster

Chair of the Hearing Committee on Proposed District Plan Variation 2