

REPORT OF THE HEARING COMMITTEE

WELLINGTON CITY COUNCIL REPORT OF THE HEARING COMMITTEE

SUBJECT: **PROPOSED PRIVATE DISTRICT PLAN
CHANGE 31: REZONING OF LAND AT
BING LUCAS & WOODMAN DRIVES, TAWA
& PROVISION FOR A LINK ROAD**

**COMMITTEE MEMBERS: CRS FOSTER
PIPER
GILL**

DATE OF HEARING: 4 OCTOBER 2004

1. RECOMMENDATIONS

1. *That Council receives the information.*
2. *That Council approve the private plan change request (Plan Change 31) to rezone land from Rural Area to Residential Area between Bing Lucas Drive and Woodman Drive, Tawa (as shown on the map attached at Appendix One);*
3. *That Council approve the private plan change request (Plan Change 31) to add the following words to District Plan Policy 4.2.9.2: 'the connector between Woodman Drive and Bing Lucas Drive';*
4. *That Council accepts or rejects all the submissions and further submissions to the extent that they accord with Recommendation 1 and 2 above.*

2. INTRODUCTION

This recommendation report relates to an application for a private change to the Wellington City District Plan. The applicant (J & M J Walsh) has requested that a change be made to the Wellington City District Plan for approximately 8 hectares of land between the southern end of Woodman Drive and the northern end of Bing Lucas Drive, Tawa.

The land is currently zoned Rural (with special provisions establishing a minimum lot size of 1 hectare). The applicant requests that the zone be changed to Outer Residential and that a link road passing through the site be provided for.

Section 73(2) of the Act enables any person to request a change to the District Plan. In March 2004 the District Plan and Reserves Management Subcommittee agreed to proceed with public notification of the plan change proposal.

The proposed plan change was publicly notified on Saturday, 8 May 2004 and was described as:

- Rezoning the land from “Rural” to “Outer Residential”;
- Adding lines to the District Plan maps to indicate the approximate route of the proposed connector road between Woodman and Bing Lucas Drives; and
- Amending one of the residential policies of the District Plan (Policy 4.2.9.2) to add the proposed link road to a list of future connector routes identified in this policy.

3. BACKGROUND

3.1 The Site and its Environs

The plan change site is undeveloped land adjoining the eastern side of the northern motorway (SH1). The land rises up from the motorway to form part of the rolling landscape overlooking the Tawa area. More specifically, it lies between the southern end of Woodman Drive (and its associated residential subdivision) and the northern end of Bing Lucas Drive (and its associated rural-residential subdivision). Immediately to the east of the site, the land rises further to form part of what is known as the Takapu Spur (the ridgeline between the Tawa and Takapu Valley).

The site was initially zoned Rural in the 1994 Proposed District Plan, with a restriction on subdivision to a minimum lot size of 50 hectares. The landowners at that time were Sir Ronald and Lady Trotter, who owned a very large holding that included the area now known as Rossaveel Stages 1, 2, 3 & 4. The owners made submissions in opposition to the minimum lot size and the matter was eventually settled by mediation at the Environment Court in a court order dated 17/08/98. As a result, subdivisions of the land involving a 1-hectare minimum lot sizes were provided for as a Discretionary Activities (Unrestricted). The northern portion of the Trotter land was also subject to an additional requirement that the number of allotments not exceed 30 (although this particular restriction does not apply to the plan change site). These special rural provisions are contained in Appendix 2, Chapter 15 of the District Plan.

The plan change site is former pasture that has been significantly earthworked under previous resource consents. As a result, the upper (eastern) portion of the site is relatively flat. The previous earthworks included formation of a significant cutting that extends beyond the site to the northeast; this cutting would most likely form part of a future extension to Bing Lucas Drive serving the rural-residential properties of Rossaveel Stage 4.

The western portion of the plan change site slopes down to the motorway, including two gully areas. One gully is immediately below the fill batter associated with an existing reserve area at the end of Pikitanga Close (off Woodman Drive). The applicant proposes that this gully be vested as reserve in the future subdivision of the site. This gully would also serve as a detention area for stormwater from the residential subdivision. The other gully is further to the south and is to be piped and filled as part of the proposed subdivision. These gullies include the only remaining vegetation on the site, being gorse and young regenerating natives.

There are no permanent watercourses or tributaries on the site, although it does drain into the Porirua Stream via the two gullies. The applicant advises that consultation with relevant organisations and iwi has not identified any sites of cultural, archeological or historic significance.

A rough vehicle track runs through the site connecting Woodman & Bing Lucas Drives. It does not currently form part of a vested legal road, but is used by residents of eastern Tawa to gain access to and from the motorway interchange (via Takapu Road). The alternative route for Woodman Drive residents is to drive down through Linden, over the railway crossing, and then south through the Tawa commercial area before reaching the motorway interchange. Apart from the informal link road, the only other use of the site appears to be as storage for materials associated with development and servicing of the Woodman Drive area. For example, there are some concrete pipes and a relocatable office at the northern end of the site.

3.2 Agreement between Wellington City Council and J & M J Walsh

The Committee notes that an agreement dated 1 August 2002 between Council and the applicant is relevant to consideration of the proposed plan change. The agreement concluded an appeal relating to road improvement conditions attached to the resource consents for subdivision of the rural residential land lying to the east of the plan change site (also owned by the applicant and known as Rossaveel Stage 4). A key provision of the agreement is that if the current plan change is approved, the land owner is to construct the link road and carry out improvements to Bing Lucas Drive, as shown in the plans attached to this agreement. A copy of this agreement was included in the plan change application and a number of submitters commented on the proposed changes to Bing Lucas Drive. The implementation of this agreement sits outside the plan change process. However, the agreement is relevant in that the improvements to Bing Lucas Drive could influence the extent to which the proposed zone change and link road are considered to be appropriate changes to the District Plan.

3.3 Likely Future Development of the Site

The Committee notes that if the plan change is successful, the applicant intends to subdivide the land for residential development in terms of the Outer Residential zoning. It is stated in the application that subdivision of the land is likely to take place in one stage. Subdivision and land use consents would be required from the Wellington City Council, and a resource consent may also be required from the Regional Council for associated earthworks.

Two indicative subdivision layouts were provided with the plan change application, one with the proposed link road and one without. A final decision on the subdivision layout is neither requested nor required under the private plan change process. The applicant's favoured design includes the link road, two cul-de-sacs, and a number of ROWs around which are 63 residential allotments varying in size from 597m² to 1,560m². The plan change application states that the proposed style of development will be in keeping with the more recent development of Woodman Drive, with similar density and scale. The indicative designs also include an 11,400m² proposed reserve area in the vegetated gully described above.

4. SUBMISSIONS & FURTHER SUBMISSIONS

Thirty-seven initial submissions and 3 further submissions were received on the plan change proposal and can be grouped into the following categories:

- Supports both aspects of the plan change proposal (11 submissions);
- Specifically supports road link, but does not specifically mention zone change (15 submissions);
- Supports road link but opposes zone change (1 submission);
- Opposes both aspects of the proposal (4 submissions);
- Does not specifically oppose or support the plan change proposal, but raise a number of concerns (3 submissions & 3 further submissions);
- Submission from Greater Wellington - The Regional Council (supports the link road provisions and provides conditional support for the zone change);
- Submission from Russell Cryer - 11 Lupin Terrace (specific pedestrian access suggestions).

At the hearing held on 4 October 2004, the applicant's presentation was coordinated by Jim Lynch and evidence was provided in support of the application by:

- John Walsh (applicant)
- Julia Williams (a landscape architect)
- Harriet Fraser (a traffic engineer of Traffic Design Group)
- Erin Hooper (a town planner of Truebridge Callender Beach)

Four submitters spoke to their submissions:

- Edward Bryan Hawkins
- William Bilton
- Greater Wellington - represented by Tami Woods
- Chris Hansen

Steve & Faith Forgeson (Submission No. 5) were not able to attend the hearing but their written statement was tabled by Mr Hawkins and was read by the Committee.

In reaching its recommendation, the Committee considered all information submitted by the applicant and all issues raised by the submitters. The following discussion sets out the key issues and the Committee's reasons for making its recommendations.

5. SUBMISSIONS AND DISCUSSION OF ISSUES

5.1 Introduction

In considering the proposed plan change, the Committee was particularly aware of the following provisions of the Resource Management Act 1991:

- Section 72 establishes the purpose of a District Plan as “*to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act*”.
- Part II of the Act sets out the purpose and principles of the Act. Section 5(1) establishes the purpose of the Act as being “*to promote the sustainable management of natural and physical resources,*” which is defined in section 5(2) as meaning “*managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for the health and safety while-*
 - (a) Sustaining the potential of natural and physical resources (excluding mineral) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
- Part II of the Act also establishes matters of national importance that shall be recognised and provided for (section 6), and other matters to which particular regard must be had (section 7). Section 8 states that the principles of the Treaty of Waitangi shall be taken into account. The Committee considers the following matters to be of particular relevance in this case:
 - The efficient use and development of natural and physical resources [section 7(b)].
 - The maintenance and enhancement of amenity values [section 7(c)].
 - Maintenance and enhancement of the quality of the environment [section 7(f)].
- The functions of a territorial authority under the Act are set out under section 31 as including:
 - (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*
 - (b) The control of any actual or potential effects of the use, development, or protection of land...*
- Section 74 sets out the matters to be considered by a territorial authority in preparing or changing its district plan. The Committee considers the following matters to be relevant in this case:
 - The extent to which the plan change achieves the purposes and principles of

- the Act and is within the functions of the Council as set out in Section 31;
- The extent to which the plan change is necessary in terms of Section 32 and is the most effective and efficient means of achieving the desired outcome;
- The extent to which the proposed change is consistent with the Regional Policy Statement and any Regional Plans

The Committee notes that the Wellington City District Plan was developed as one of Council's main means of carrying out its function under the Act and that the plan change proposal builds on existing provisions of the District Plan in the following ways:

- The proposed link road is provided for through an addition to the future connector routes listed in Policy 4.2.9.2. The adding of lines to the District Plan maps to indicate the proposed connector route is also an established mechanism.
- The zoning component of the plan change proposal is essentially to replace the current provisions applying to the subject site (i.e. the objectives, policies and rules of the Rural Area) with the provisions from another section of the District Plan (i.e. the objectives, policies and rules of the Outer Residential Area). The Committee notes that the provisions of the Outer Residential Area have already been through a comprehensive process associated with the finalisation of the current District Plan (and relevant plan changes).

The Committee's consideration of the plan change proposal has therefore focussed on whether the provisions of the Outer Residential Area and the inclusion of the link road in the District Plan are appropriate ways for Council to meet its functions under the Act. In other words, are the proposed provisions an appropriate way of managing the development and use of the land in relation to the purpose and principles of the Act?

The Committee saw the plan change proposal as a "total package". However, for the purposes of outlining its recommendations, the Committee has addressed the proposed link road and zone change separately (under the next two headings of this report). The Committee then provides comments on specific issues that were raised in submissions.

5.2 Link Road

The Committee notes the following advantages of the proposed link road and in doing so agrees with the applicant's expert traffic witness and accepts the submissions in support of this aspect of the proposal:

- The link road will reduce travel times and distances to and from the Tawa motorway interchange and will also reduce peaktime buildups at known congestion spots, such as the Linden Shops.
- The link road will provide an alternative access/exit from the Greenacres area in the event of a blockage along the Woodman Drive/Collins Avenue route.
- The link road will allow for public transport connections to be established.
- The link road will improve emergency access.

In addition, the Committee considered the link road in relation to Council's key policy documents applying to the area.

5.2.1 Northern Growth Management Framework

Since the approval of the operative District Plan, Council has conducted a major study of the growth and future development of the northern part of Wellington City. This study involved extensive consultation with the community and key stakeholders. The result of this study, known as the Northern Growth Management Framework (NGMF), was ratified by Council on 20 October 2003. The NGMF has not been through the formal processes of the Resource Management Act. However, it represents the current policy framework for the area.

The link road is identified in the Northern Growth Management Framework as supporting the sustainability, accessibility and connectivity themes of this document. In particular, the Committee notes the following values and underlying principles of the NGMF:

Value: Develop a highly liveable and attractive urban environment for communities:

Underlying Principles:

- *The links between home, jobs and services will be improved.*
- *The connections between local communities and with the city will be enhanced*

Value: Ensure infrastructure meets the area's needs

Underlying Principles:

- *Access to efficient and useful public transport will be improved.*
- *The road networks will be upgraded as appropriate to improve logical connections within the area and to the city and region.*
- *Ensure public transport networks efficiently serve their catchment and destinations.*
- *Ensure short term development options do not compromise long term transport outcomes.*

The Committee considers that the link road will improve the connection between the eastern areas of Tawa and the motorway. It will also enable a bus route to be considered for the area. The Committee notes that the link road will also support the use of the Takapu Railway Station, which is another objective of the NGMF.

The Committee also notes specific strategies of the NGMF, which include:

- *Provide certainty for new roading routes and alignments for future planning.*
- *Complete Woodman Drive to Bing Lucas Drive to meet local traffic growth.*

The Committee acknowledges that the plan change process cannot require the construction of the road. However, the Committee considers that the inclusion of the link road as a future connector route in the District Plan will provide a signal to the community that such a route is likely. This provision would also be taken into account at the subdivision consent stage. The Committee also notes that the August 2002 agreement between the applicant and the Council requires construction of the link road and the upgrading of Bing Lucas Drive in the event of this plan change proceeding.

5.2.2 Relevant District Plan Objectives & Policies

The Committee considers that the link road will be in keeping with the District Plan's traffic-related provisions for Residential Areas. In particular, the Committee notes the following objective and policy:

Objective 4.2.9 To enable efficient, convenient and safe access for people and goods within Residential Areas

Policy 4.2.9.1 Seek to improve access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions

A key advantage of the link road will be the opportunities it provides for a future bus service through the area and the Committee notes that this is consistent with the Regional Land Transport Strategy.

In conclusion, the Committee considers that the proposed link road makes sense in terms of sound land management, as reflected in Council's key policy documents. The existing use of the informal link road supports this conclusion. The Committee also noted the evidence of Tami Woods from Greater Wellington that the proposed link road is consistent with the Regional Policy Statement, which seeks the development of transportation systems in the region that meet community needs for accessibility (Policy 3, Chapter 14).

The Committee acknowledges the specific traffic concerns raised in submissions. These concerns are discussed in a later section of this report.

5.3 Rezoning from Rural to Outer Residential

The Committee notes the following advantages of the proposed zone change and in doing so agrees with the information provided by the applicants and accepts the submissions in support of this aspect of the proposal:

- Development of the land under the Outer Residential Area provisions will be an efficient use of the land given the high level of demand for residential properties in this part of the city and that servicing of the land will build on existing infrastructure (such as roading, sewerage, stormwater drainage, water supply and other services).
- The zone change will result in an urban form that complements the existing landscape rather than simply reflecting the abrupt lines of existing cadastral boundaries. In particular, the Committee agrees with Julia Williams, a landscape architect who gave evidence for the applicant. Ms Williams used photographs of the site to illustrate how in visual terms a possible development of the land would be a logical extension of existing development along Woodman Drive.

The Committee also makes the following observations about the relationship of the proposed link road with Council's key policy documents.

5.3.1 Relevant District Plan Objectives & Policies

The Committee considers the following extracts of the Rural Area chapter of the District Plan to be relevant:

Objective 14.2.1 To promote the efficient use and development of natural and physical resources in the Rural Area

Policy 14.2.1.1 Encourage new urban development to locate within the established urban area

Explanatory Statement

“The edge of the urban area of the city is defined by the interface between the Outer Residential Area and nearby Rural and Open Space Areas. Council generally intends to contain new development within the existing urban area, as it considers that continuously expanding the city’s edge will not promote sustainable management. Expansion beyond the existing urban form will only be considered where it can be demonstrated that the adverse effects, including cumulative effects, of such expansion can be avoided, remedied or mitigated....”

Objective 14.2.4 To ensure that the adverse effects of new subdivision in the Rural Area are avoided, remedied or mitigated and that subdivision is consistent with the approach to containment of the urban area in this plan.

Policy 14.2.4.1 Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that if land is developed, it is developed in a way that will lead to neighbourhoods which have a high amenity standard and which are adequately integrated with existing infrastructure.

Explanatory Statement

“... In most circumstances, greenfield subdivision will be considered as part of a District Plan change to extend the urban area. This enables the full effects of the potential development to be assessed. Assessments will include the design of the subdivision, its impact on the natural and physical environment, and constraints (such as natural hazards) imposed by the environment.”

The Committee believes that these provisions confirm that further greenfield subdivision such as the proposed development are envisaged by the District Plan in appropriate circumstances, but that they should be considered under the plan change process. These provisions also provide an indication of the matters to be taken into account in assessing the plan change, which include:

- Amenity standards - The Committee considers that the provisions of the Outer Residential Area have been developed to ensure that appropriate residential amenity is achieved. Future development of the land is likely to be assessed in terms of the Subdivision Design Guide, which provides guidance on the creation of good living environments.
- Integration with existing infrastructure - As noted above, the Committee considers the plan change site to be well-placed in relation to existing infrastructure.
- Impacts on the natural and physical environment - On balance, the Committee considers that the impacts of the plan change proposal on the natural and

physical environment will be minor. The site is not identified as having any significant ecological or landscape values and it has already been extensively earthworked under previous consents. The Committee notes that the site is not part of the ridgeline and hilltop areas identified in the recently proposed District Plan Change 33. The Committee is aware that the Act's definition of "environment" includes "amenity values" and that some submitters have expressed concerns about visual and character effects for neighbouring areas. These issues are discussed in a later section of this report. The Committee also notes the concerns of Greater Wellington about the impact that development of the plan change site may have on the downstream habitat values of Porirua Stream. This issue is also discussed in a later section of this report.

- Environmental constraints - The Committee notes that a stormwater detention area is required in one of the gullies within the site. The adequacy of this area is discussed later in this report, in relation to comments from Greater Wellington.

On balance, the Committee considers that the plan change proposal will cause minimal environmental effects and that any potential effects can be controlled by the provisions of the Outer Residential Area.

In relation to Policy 4.2.1.1, the Committee notes that the site is located at the interface between the Outer Residential and Rural zones. However the Committee considers that the site is actually situated between two different types of residential development i.e. the suburban style development along Woodman Drive and the rural-residential development along Bing Lucas Drive. The Committee found the evidence of Julia Williams (landscape architect) particularly helpful. The Committee agrees that the Bing Lucas Drive area essentially presents a lower density residential landscape and notes that development there is not yet complete. Therefore people viewing the area would see it as less developed than it ultimately will be. As a result, the plan change site is a relatively small piece of rural-zoned land existing within a residential context and the Committee considers that in this case the rezoning proposal is in keeping with Policy 4.2.1.1.

5.3.2 Northern Growth Management Framework

One of the underlying principles of the NGMF specifically recognises the northern area as the primary location for "greenfield" residential development that will be integral to the growth of Wellington City. The Committee therefore considers that the NGMF supports its above conclusions as to how the proposed zone change relates to the existing objectives and policies of the District Plan. Some of the NGMF provisions have already been mentioned in relation to the proposed link road. The Committee considers that the plan change proposal is also consistent with the following strategies of the framework:

- New growth should build on and strengthen existing communities rather than creating new suburbs and town centres - The Bing Lucas Drive area is specifically noted as an area that could accommodate further development, so that it becomes an integrated and attractive neighbourhood.
- Existing town centres should be strengthened, rather than new ones created - The park and ride capacity at Takapu station is to be increased and the link road and the proposed development of the plan change site will support this initiative.

The additional residential properties will also support existing commercial services and community facilities of the Tawa town centre.

- Market forces are expected to drive the development envisaged by the NGMF - The Committee notes that existing residential properties in the Woodman Drive area have all been sold and that John Walsh (the applicant) indicated at the hearing that there is considerable demand for further sections.
- A possible cross-motorway link between the eastern and western areas of Tawa is included on the NGMF concept map - The Committee notes that implementation of this concept could be some way off and early indications are that it might be unviable. However, the Committee considers that the plan change proposal will not compromise future options in this respect.

In conclusion, the Committee is confident that the zone change proposal is in keeping with the recommendations of the NGMF. The Committee notes that implementation of the NGMF will involve reviews of the Subdivision Guide and the Code of Practice for Land Development. While these reviews are unlikely to be completed before the proposed subdivision of the plan change site, the Committee believes that the existing provisions could enable further implementation of the NGMF recommendations through the subdivision consent process.

5.4 Traffic-Related Concerns

Many of the submissions in opposition to the proposed plan change, as well as “neutral” submissions, raised concerns about the effects of the proposed plan change on the safety and operation of the local road network. The Committee considers that these concerns are relevant to the plan change proposal in that the local road network will need to accommodate the change in traffic movements associated with the link road and the additional traffic associated with the residential development of the plan change site. The traffic-related concerns are summarised below:

- Steve & Faith Forgeson of 9 Gladys Scott Place (5) have specific concerns regarding the traffic assessment. They believe that the assessment underestimates the volume of traffic that will use the alternative route along Bing Lucas Drive/Takapu Road. They requested a reassessment of the roading requirements.
- The Forgesons also have concerns about the timing of improvements to Bing Lucas Drive. They believe that these improvements must take place before any work is done to establish the link road or develop the land.
- Lloyd Pallesen & Catherine Dillon of 80 Bing Lucas Drive (13) have concerns about the timing of road improvements. They also have concerns about vehicle speeds along Bing Lucas Drive and the danger this poses for walkers, cyclists and horse riders that currently use the road. They suggest that widening of the road will encourage more people to speed and request that traffic-calming measures, such as speed humps, are incorporated in a revised design for the upgrading of Bing Lucas Drive.
- Neil Bissell of 66 Raroa Terrace (16) supports the proposed link road, but is concerned about the safety of the Raroa Terrace/Woodman Drive intersection, the narrow width of the Bing Lucas Drive cutting, and the southbound onramp at the motorway interchange via Takapu Road. Brian Swiney of 52 Raroa Terrace (19) is also concerned about the cutting and sightlines at the motorway interchange, as well as the Takapu Road/Bing Lucas Drive intersection.

- Brian & Christine Nelson of 12 Kilkelly Close (31) are concerned about the speed and future volumes of traffic along the route between Linden railway crossing and the motorway interchange (via Bing Lucas Drive/Takapu Road).
- William & Susan Bilton of 21 Gladys Scott Place (32) are concerned about the width and gradient of the Bing Lucas Drive cutting. They claim increased use of the informal link road has made it more difficult to exit Gladys Scott Place.
- Christine & John Murphy of 90 Bing Lucas Drive (34) are concerned about speeding traffic (including the use of the informal link by “late night hoons”) and the narrow width of the Takapu Road/Bing Lucas Drive intersection.
- Edward Hawkins of 57 Bing Lucas Drive (22) has made detailed suggestions on the proposed changes to Bing Lucas Drive. In particular he suggests: changes to the proposed kerb and road alignments at intersections along Bing Lucas Drive; widening of the pathway along the upper portions of Bing Lucas Drive; and widening of both the carriageway and footpath along the cutting. He also believes that improvements to the cutting must be done before any other work associated with the link road or new residential subdivision.

In considering these concerns, the Committee has taken into account the comments made by Mr Hawkins (22) & Mr Bilton (21) at the hearing and the written comments from Steve & Faith Forgeson (5). The Committee has also taken into account the expert evidence provided at the hearing by Harriet Fraser of Traffic Design Group and the comments from Steve Harte, Council’s Asset Development Manager in relation to Roding, Traffic and Transportation.

In relation to the accuracy of the applicant’s traffic assessment, the Committee heard detailed evidence from Harriet Fraser on her methods and results. The Committee accepts that the methods and findings are appropriate.

In relation to the timing of improvements to Bing Lucas Drive, the Committee acknowledges that the agreement between the Council and the applicant does not specify which improvements should be carried out first. However, as a result of comments provided by Steve Harte, the Committee is confident that the roading improvements will be carried out in the most appropriate manner in terms of operational and safety requirements. Mr Harte also assured the Committee that the improvements are to be carried out before the link road is constructed.

In relation to speeding, the Committee is confident that the traffic management measures incorporated in the proposed improvements to Bing Lucas Drive will meet the submitters’ concerns. The speed mitigation measures described by Steve Harte included keeping the road reserve to a minimum width; separating the carriageway into vehicle traveling lanes and parking bays; the proposed alignment of the road; and building out the kerbs at street intersections. The Committee is also confident from Mr Harte’s comments that any remaining problems can be addressed in the course of normal Council processes. The Committee notes that the police have a role in addressing speed issues (and the “late night hoon” issue).

The Committee is also confident that Council monitoring and response processes will be sufficient in relation to intersection performance, road alignment and the other matters listed above. In particular, the Committee notes that a “Safer Roads” project has recently addressed road safety issues in the Tawa area and that specific measures resulting from this project (such as new signs, road markings and intersection improvements) will deal with some the submitters’ issues along Woodman Drive. The

Committee acknowledges that the “Safer Roads” project will not look at the Bing Lucas Drive, Takapu Road or its intersection with the motorway offramp until 2007. The Committee is confident that, in the meantime, Council will monitor and respond to public concerns where necessary. The Committee notes that the proposed widening of the cutting will improve sight lines associated with the Bing Lucas Drive/Gladys Scott intersection.

5.5 Potential Adverse Community Effects

Some of the submissions in opposition to the plan change suggest that the Linden shops, and possibly the Tawa town centre, will experience a reduction in customers due to the diversion of traffic from the existing route. Phillipa & Darryn Shilling of 134 Woodman Drive (11) also raise concern about the pressure the proposed development will put on Greenacres School .

On balance, the Committee considers that additional residential sections and the proposed link road will be largely beneficial in terms of wider community benefits. The Committee notes that high demand for the proposed sections is likely given the land’s proximity to the CBD, local shopping centres, community facilities, local schools (which the Committee notes would receive extra funding for any increase in rolls). The Committee considers it unlikely that there would be any significant loss of passing traffic for the Tawa shopping centre. In relation to the Linden shops, the Committee notes that the link road may attract vehicles from other parts of Tawa.

The Committee specifically considered the concern expressed in the Hansen submission (35) regarding the lack of commercial and community facilities on the eastern side of Tawa and their suggestion that additional specific provisions be included in the plan change to enable such facilities. At the hearing, Chris Hansen also suggested that a Concept Plan approach be used. However, the Committee notes that the Outer Residential Area already provides for non-residential activities, i.e. as Discretionary Activities (Unrestricted). While land use consent applications are required, the assessment criteria suggest that approval is possible provided there are no adverse effects or any potential effects can be mitigated by conditions. The Committee therefore considers that these provisions are adequate and that additional plan provisions are unnecessary for the plan change site, which is only 8 hectares in size. The Committee also notes that the NGMF does not provide for spot zoning of small new suburban centres in this area.

5.6 Effects on Amenity Values

Three submissions received from the adjoining rural-residential subdivision expressed concern about the effect the proposed plan change will have on the character of their area:

- The Forgesens of 9 Gladys Scott Place (5) claim that *“the properties were sold to the current landowners on the basis of a subdivision containing a total of 56 households, each block being not less than 1 hectare.”* They also claim that they *“purchased on the basis of lifestyle and the comfort this information provided.”*
- Lloyd Pallesen & Catherine Dillon of 80 Bing Lucas Drive (80) suggest that *“widening the road will also detract from the rural nature of the area, and impact negatively on amenity values”*. They note that the *“area with its wide grass verges is currently popular with families, i.e. budding cyclists, walkers, horse riders etc.”* and that *“this appeal will be greatly diminished by the current proposals”*.
- Christine & John Murphy of 90 Bing Lucas Drive (34) express concern about the style of future development on the plan change site and whether it can be accommodated without compromising the character of the existing landscape. They also question whether the owners of properties along Bing Lucas Drive will be able to grow faster-growing, non-native trees (presumably to screen views of the new development).

Three submissions were received from properties to the north of the plan change site concerning the loss of rural-residential outlook from their properties:

- Phillipa & Darryn Shilling of 134 Woodman Drive (11) note that they *“would lose (their) rural outlook and would have less privacy in (their) backyard”*.
- Brian & Christine Nelson of 12 Kilkelly Close (31) object to the change in outlook from their property from lifestyle blocks to a more dense suburban nature. They claim to have relied on the current zoning of the site and note that they may not have purchased their property had they known about the proposed development.
- Chris & Carolyn Hansen of 3 Kilkelly Close (35) consider the proposed plan change will have an adverse effect on amenity values and the quality of the environment of the adjoining areas. They specifically request that a special zone be introduced that restricts the lot size or number of lots of any future subdivision in order to provide a buffer between the Outer Residential Area and the Rural Area.

The Committee acknowledges that the effects on amenity values are relevant in considering the plan change proposal and that development of the site will cause changes for neighbouring properties in terms of their view of the plan change site and additional traffic. The Committee notes that any conflict between advice received by submitters before purchasing their properties and the possibility of plan change proposals is not a resource management matter and would need to be pursued in a court of law. Furthermore, the Committee explored the nature of that advice with a submitter at the hearing and received information suggesting that it was anecdotal only.

In relation to visual impacts, the Committee considers that any adverse effects will be minor and in particular notes that:

- A number of rural-residential properties along Bing Lucas Drive have not yet been developed and this suggests a larger area of undeveloped land than is actually the case. The Committee accepts the comments of Julia Williams that full development of approved rural-residential lots will result in a largely urban

appearance that is not significantly different from the proposed development of the plan change site.

- The amenity value of the site is somewhat limited by recent earthworks that have left a flattened, weed-covered landscape. The Committee notes that the current provisions of the Rural Area cannot guarantee that future development of the site will be for rural-residential purposes. For example, the site could simply remain in its current state for some time.
- The Committee specifically considered the photographs provided at the hearing by Chris Hansen, taken from his property at 3 Kilkelly Place. The Committee notes that the foreground views from this property are already dominated by neighbouring houses. The plan change site is visible from the Hansen property, but the Committee considers it has limited effect on the overall views from the property, which include the Tawa residential areas, existing rural-residential properties along Bing Lucas Drive and undeveloped ridgelines that surround this part of the City.
- The Committee acknowledges that the plan change site is visible from some of the rural-residential properties along Bing Lucas Drive and Gladys Scott Place. However, the Committee considers the combination of large scale rural residential development with the residential development beyond would in any case give a landscape with a predominantly built aspect.

The Committee specifically considered the suggestion by Chris & Carolyn Hansen that a minimum lot size and maximum number of lots be applied to the plan change site. However, the Committee believes that this is unnecessary for the reasons outlined above. The Committee also considers that this would be inconsistent with the purpose of the Act given the suitability of the land for suburban development, the demand for such properties, and the “compact city” objectives of the District Plan and the Northern Growth Management Framework. The Committee considers it appropriate to have the land more efficiently used, noting that this would reduce pressure for other undeveloped areas to be developed. The Committee also notes that the existing rural residential area of the various stages of the Rossaveel development and the associated 1 hectare minimum lot size already acts as a buffer between residential and the pure Rural zone (i.e. with a 50 hectare minimum lot size).

The Committee considered the effect that additional traffic would have on the rural-residential character of the Bing Lucas Drive area. The Committee believes that these effects will be minor given that the rural-residential properties are large and many (although not all) of the houses are situated well back from Bing Lucas Drive. As noted above, the Committee also considers that there is scope for potential adverse traffic effects on pedestrians, cyclists and horse riders to be mitigated through appropriate road design and restrictions. The Committee is confident that future problems would be addressed by appropriate Council departments.

In relation to any consent conditions that currently apply to the rural-residential properties, such as those relating to planting, the Committee notes that the landowners are able to apply to Council for these conditions to be changed.

5.7 Location of Link Road

In their submission, Chris & Carolyn Hansen (35) express concern that the proposed plan change does not adequately provide for the proposed link road. They suggest that the link road be marked and coloured on the planning maps as “road” to provide certainty, especially if the land is sold prior to redevelopment. At the hearing, it became

apparent from the comments made by Mr Hansen that he was mainly worried about the possibility of the link road alignment including Kilkelly Close. The Committee sought comments from Council officers on the suitability and likelihood of such an option. The Committee agrees that it is most unlikely given the corner associated with Kilkelly Close, the current width of Kilkelly Close (as a cul-de-sac), and the availability of more suitable opportunities for a link road. The Committee therefore does not accept that more definite provision is required.

5.8 Kilkelly Close ROW

Brian & Christine Nelson of 12 Kilkelly Close (31) are concerned that the proposed ROW shown in the indicative subdivision design will detract from the character of the exiting cul-de-sac and will cause parking issues on the main part of street. They believe that the road should be either extended fully or the ROW not included at all.

The Committee considers that this issue lies outside the scope of the plan change process and would be more appropriately covered at the subdivision consent stage, in relation to the Subdivision Design Guide and the Code of Practice for Land Development.

5.9 Proposed Reserve

A number of submissions comment on the adequacy of the proposed reserve shown in the indicative subdivision design. Brian & Christine Nelson of 12 Kilkelly Close (31) note that the existing reserve is under-utilised and poorly laid out and that the proposed reserve area is unsuitable. Campbell & Kim Black of 14 Kilkelly Close (36) request that a reserve is included on the eastern side of the area.

The Committee considers that the issue of reserve provision is beyond the scope of the plan change process, although it did consider the appropriateness of any vested reserve area doubling as land for stormwater detention purposes. The matter will be more appropriately considered at the subdivision consent stage in relation to the Subdivision Design Guide, which provides guidance on the provision of public spaces. Accordingly, the Committee does not accept these submissions although it does encourage the applicant to discuss the question of reserves with Council's Parks Planners at an early stage.

5.10 Provision of Playgrounds

Brian & Christine Nelson of 12 Kilkelly Close (31) and Campbell & Kim Black of 14 Kilkelly Close (36) suggest that a park/playground be provide in the area, not necessarily at the existing reserve at Pikitanga Close. The Committee considers that the provision of playgrounds is outside the scope of the plan change and is more appropriately covered in the implementation of Council's Playground Policy (approved in 2002). Provision of land for any playground could also be considered at the subdivision consent stage.

5.11 Provision for Walkway/Cycleway

The submission from Greater Wellington (25) requested specific plan provisions to ensure appropriate assessment is given to pedestrian access connecting proposed cul-de-sacs to the main road and reserve areas. The submissions from Brian & Christine Nelson of 12 Kilkelly Close (31) and Campbell & Kim Black of 14 Kilkelly Close (36) also touch on pedestrian access issues. The Committee notes this issue relates to the livability and connectivity themes of the NGMF. However, the Committee considers that the provisions of the Outer Residential Area will be adequate in this respect. Under these provisions, any future subdivision will require consideration in terms of the Subdivision Design Guide, which provides guidance on the design and connection of public areas. The Committee notes that Greater Wellington withdrew this aspect of its submission at the hearing via the evidence of Tami Woods.

Russell Cryer of 11 Lupin Terrace (20) suggests in his submission that consideration be given to the provision of a pedestrian and cycle accessway linking the new subdivision with the current motorway underpass. The Committee considers that this issue is outside the scope of the plan change process given that it largely relates to land beyond the site. It may well be considered under the NGMF implementation programme in the investigation of an improved cross motorway link. The Committee encourages the applicant to continue dialogue with Council on this issue.

5.12 Water Supply Issues

The submission from Greater Wellington (25) requests that additional specific provisions be included to ensure that the wholesale water main passing through the top eastern corner of the site is managed at the time of subdivision, in accordance with a number of detailed specifications stated in its submission. However, this request was subsequently withdrawn at the hearing on the understanding that the provisions of the Outer Residential Area will be adequate. The Committee encourages the landowner to discuss this issue with Greater Wellington prior to consents being sought.

The submission from Brian & Christine Nelson of 12 Kilkelly Close (31) disputes the applicant's claim that there will be sufficient water pressure to service the new development. The Nelsons claim that water pressure for a number of existing residents is inadequate and request that it be improved before attempting to serve additional customers. However, the Committee notes that the plan change process cannot require that the existing water pressure be improved. The plan change need only consider whether the rezoned area can actually be serviced and, if possible, appropriate requirements would be imposed at the subdivision consent stage. Based on the information provided by the applicant, the Committee is confident that adequate water supply will be possible.

5.13 Stormwater Detention

The submission from Greater Wellington (25) specifically requested that if the zone change proposal was approved:

Stormwater detention can be proven to be accommodated within the proposed reserve area shown in indicative Designs 1 & 2

At the hearing, Tami Woods confirmed that the applicant had supplied Greater Wellington with information that the proposed retention area would contain any stormwater pond associated with the culvert passing under the Motorway through to Porirua Stream. The Committee notes that this conclusion is also consistent with the advice provided by John Boot, a Wellington City Council drainage engineer that was involved in designing recent changes to the culvert.

The submission from Greater Wellington also requested additional specific plan provisions to:

Ensure that the detention area (assuming adequate) is identified and formalised in an appropriate manner through the proposed change.

At the hearing, Tami Woods suggested that this could be achieved by indicating the location of the proposed reserve on a concept plan and including this as an Appendix to the Outer Residential chapter of the District Plan. Another option suggested was to include an additional specific plan provision to ensure the detention area would be required. Ms Woods also discussed how the proposed stormwater detention area could help in minimising stream ecology impacts on the Porirua Stream. These issues are discussed in the following section of this recommendation report.

5.14 Impacts on Downstream Streamwater Ecology

The submission from Greater Wellington (25) specifically requested that if the zone change proposal was approved, additional specific plan provisions be included to

Ensure earthworks are minimised at the time of the subdivision and treatment of stormwater is undertaken to reduce the quantities of sediment and other pollutants entering the Porirua Stream system.

At the hearing, Tami Woods explained that Greater Wellington is not just concerned about the sediment impacts of earthworks associated with subdivisions. Greater Wellington is also concerned about the impacts that can result from changes in the form and use of land that is developed for residential purposes. Ms Woods pointed out that although no permanent watercourses exist within the plan change site, there are a few small intermittently flowing watercourses and/or natural stormwater overflow paths. When natural watercourses and existing vegetation are removed, stormwater runs more quickly over land and often via stormwater pipes. Water carrying sediment and other pollutants associated with new residential uses can therefore enter stream systems without receiving the primary treatment it would otherwise receive by trickling more slowly through soils and vegetation.

Ms Woods noted that future development of the site would not necessarily be subject to public notification, especially if development proceeded in stages, and this is why it had requested additional specific provisions as part of the plan change process. Furthermore, Greater Wellington sought formalisation of the proposed stormwater detention area to preserve some of the natural ecological protection provided by the gully and its associated vegetation (as well as providing for stormwater detention).

Ms Woods provided additional information about the health of the Porirua Stream downstream from the plan change site and how changes in landuse resulting from urban

growth are putting pressure on the life supporting capacity of the stream. Ms Woods noted that these impacts are recognised and provided for in the NGMF under the theme of “sustainability”. Ms Woods also referred to relevant policies of the Regional Policy Statement and the Regional Freshwater Management Plan.

The Committee notes that future earthworks operations will be subject to a range of controls but that these mechanisms are largely aimed at controlling sediments during the earthworks operation, as opposed to the long term ecological effects on the viability of downstream habitats. The Committee also notes that the introduction of new control mechanisms envisaged under the NGMF may not be implemented before the plan change site is developed. However, at the hearing, Ms Woods stated that Greater Wellington had discussed its concerns with the applicant’s representatives and had agreed that these issues could be commented on at the time of preparing the subdivision and earthworks consents. Greater Wellington is satisfied with this consultation arrangement, to the extent that it has withdrawn its request that the stormwater detention area be formalised through the plan change process and that additional provisions be included.

In conclusion, the Committee considers that additional specific provisions are not necessary in this case given Greater Wellington’s withdrawal of its request for additional provisions. The Committee is however sympathetic to Greater Wellington’s concerns and urges all relevant authorities to work together in developing appropriate mechanisms for the effective control of the environmental effects discussed above.

5.15 Impact of Bing Lucas Drive Improvements on Private Property

The submissions from Steve & Faith Forgeson (5), William & Susan Bilton (32), and Christine & John Murphy (34) express concern about the proposed upgrading of Bing Lucas Drive causing damage to their properties, all of which have frontage to Bing Lucas Drive. The Forgesons and Murphy’s request assurance that the liability for this damage lies with the Council.

The Committee considered the engineering assessment attached to Erin Hooper’s evidence and, on the basis of this information, believes that damage is unlikely and that appropriate design options have been identified. The ability to appoint liability is beyond the scope of the plan change process and the Committee considers that existing legal routes would be available to address the submitters’ concerns. The Committee notes from the comments provided by Mr Harte that Council is aware of the issue and all due care and best endeavours are to be employed in carrying out improvements to Bing Lucas Drive.

5.16 Proposed Parking Bays Shown in WCC/Walsh Agreement and Associated Plan

Lloyd Pallesen & Catherine Dillon of 80 Bing Lucas Drive (13) are concerned about the incorporation of the parking bays along Bing Lucas Drive. They are particularly worried that these parking bays may conflict with their existing vehicle access and recently formed kerb crossing. They also query why parking bays are to be provided at all, given that the road runs through a rural-residential area and all lots have ample on-site parking. Christine & John Murphy of 90 Bing Lucas Drive (34) also query the need

for the parking bays and are concerned that they will become “*a magnet for late night revellers, rubbish and dumped cars*”.

The Committee notes the comments provided by Steve Harte on the proposed parking bays. Mr Harte points out that the parking bays are facilitated by the proposed widening of the carriageway and their formation is an accepted method for discouraging speeding. Mr Harte also points out that the proposed parking bays have been included in the expectation that more intensive development will occur over time, in line with NGMF expectations. In the short term, they will serve visitors to the area. Creation of the parking bays will also allow kerbs to be built out at street intersections, to improve safety and visibility. Mr Harte also stated that any damage to vehicle crossings will be repaired.

The Committee considers that the issue of night revellers and rubbish dumping is unlikely to be affected by provision of the parking bays and is a matter for the police in any event.

6. OTHER MATTERS

6.1 Section 32 Matters

The Committee notes that the submission from Chris & Carolyn Hansen of 3 Kilkelly Close (35) claims that the applicant’s evaluation under section 32 of the Act is inadequate in that it does not consider a special zone that they believe would minimise adverse effects on the surrounding neighbourhood. At the hearing, Mr Hansen also suggested the use of a Concept Plan as another option for managing the use and development of the plan change site.

Section 32 of the Act requires the evaluation of a number of matters prior to a plan change being publicly notified. These matters include the appropriateness of the plan change in terms of the purpose of the Act and the efficiency and effectiveness of the proposed provisions. In the case of a private plan change, section 32(1)(d) requires the evaluation to be carried out by the applicant and, in this case, a section 32 evaluation was included in the plan change application.

The Committee notes that it is not prevented from taking into account the matters stated in section 32 and, in the case of a private plan change, Council is in fact required to make its own evaluation.

The Committee considers that its overall assessment of the plan change proposal has addressed the relevant section 32 matters, with the main conclusions in this regard being:

- The Committee believes that it would not be appropriate to consider development of the site via a resource consent under the existing Rural Area provisions of the District Plan. This is because the District Plan specifically envisages such a development to be considered under the plan change process. The Rural Area provisions would also not be suitable for the control of subsequent development of the land if consent were granted.
- The plan change process has enabled consideration of whether it is appropriate for the provisions of the Outer Residential Area to be applied to the plan change

site. For the reasons outline in the report and taking into account the relevant provisions of the Act, the Committee considers that the proposed zone change and the provisions for the link road are appropriate.

- The Committee is confident that the provisions of the Outer Residential Area will provide a suitable framework for considering the proposed residential subdivision of the plan change site. The provisions will also provide appropriate control of any subsequent development of individual allotments.
- The Committee has considered the alternative provisions suggested by Chris & Carolyn Hansen but does not consider them to be necessary.

7. SUMMARY & CONCLUSION

The plan change proposal is to apply the provisions of the Outer Residential Area to the plan change site, thereby replacing the existing provisions of the Rural Area. Provision for a road link through the site is also included in the proposed plan change.

The proposed plan change would facilitate the land owner's wish to carry out a residential subdivision of the land with a similar style and density as the adjoining Woodman Drive residential area.

The Committee has considered the plan change proposal in relation to the relevant provisions of the Act and the issues raised in submissions and further submissions received during the plan change process.

On balance, and for the reasons outlined in this report, the Committee considers the proposed plan change to be an appropriate form of managing the development and use of the land. Accordingly, the Committee's recommendation is that the proposed plan change be approved.

APPENDIX ONE

Amendments to Map 29 and Map 30

**District Plan Change 31:
Woodman Drive and Bing Lucas Drive – Map 29 and Map 30**



Land zoned Residential Area



Proposed road extension

Scale 1:4000

