
REPORT 3
(1215/11/IM)

APPROVAL OF DISTRICT PLAN CHANGE 73 - SUBURBAN CENTRES REVIEW

1. Purpose of Report

To report to Council the recommendations of the Hearing Committee on District Plan Change 73 of the Wellington City District Plan.

2. Executive Summary

The Hearing Committee have considered all written and oral submissions on Plan Change 73 and made its recommendations. This plan change was heard in conjunction with Plan Change 72 – Residential Review.

As a result of submissions received on the notified plan change a number of changes have been made to improve the implementation of the policies, rules and design guides. The fundamental approach adopted in the notified plan change remains intact.

If Council adopts the recommendations of the Committee, then this report will become the Council decision. If however the Council rejects one or more of the proposed recommendations the hearing process would need to be recommenced and determined by the whole of Council.

3. Recommendations

It is recommended that the Council:

- 1. Receive the information.*
- 2. Approve the recommendations of the District Plan Hearing Committee in respect of District Plan Change 73 (Suburban Centres Review) as outlined in the attached decision report.*
- 3. Note the range of non-statutory suggestions made by the Hearing Committee and that Officers will consider these as part of their ongoing work.*

4. Background

Proposed District Plan Changes 72 and 73 are Council initiated plan changes. They relate to a complete review of the District Plan provisions applying within the Inner and Outer Residential Areas and the existing Suburban Centres, with exception of the Urban Development Area covering Lincolnshire Farm. The plan changes cover all relevant definitions, design guides, and maps associated with the Residential Area and Suburban Centres.

This report relates to Plan Change 73. There are a number of significant new provisions which will allow the Council to better manage development within the Suburban Centres. These include:

- splitting the current Suburban Centre zone into three new zones - Centres and Business Areas 1 and 2, to recognise their differing roles, and better manage the activities that locate in these areas
- increased policy guidance relating to urban design and the management of retail activities
- new design guides for Centre and Business Areas to help improve the quality of new development
- rezoning of some parcels of land to better reflect existing uses
- amendments to other policies, rules, definitions and planning maps to improve the Plan's effectiveness.

The Council publicly consulted on a draft Residential Areas and Suburban Centres plan change from 8 December 2008 to 1 April 2009. In total, 207 responses were received from the public, which helped shape the form and content of the plan changes.

Plan Changes 72 and 73 were notified on 29 September 2009. A total of 132 submissions and 18 further submissions were received on Plan Change 73. Thirty-two submitters attended the hearing and spoke to their submissions. The hearing of submitters was held over 14 days between from Monday 26 April to Friday 11 June 2010. Plan changes 72 and 73 were heard together as they have a number of interrelated issues. Separate recommendations have been proposed for both plan changes to enable the Council to make separate decisions.

The Hearing Committee comprised independent commissioners Alick Shaw (chairperson), and David McMahan, and councillors Leonie Gill and Ray Ahipene-Mercer. The Committee deliberated for five days from 22 June to 2 July 2010. Site visits were undertaken on 29 June 2010. The Hearing Committee re-convened on 19, 23 and 30 July 2010 to further consider and refine decisions made during the initial deliberations.

Under section 34A of the Resource Management Act 1991, the Council cannot delegate its function of approving plan changes. In addressing the issues raised by submitter, the role of the Committee is limited to that of a recommender with

the final decision as to whether or not to adopt recommendations resting with the Council.

The conclusions and recommendations contained in this report are those of the Committee and are not binding upon the Council in any way. If Council adopts the recommendations of the Committee, then this report will become the Council decision. If however the Council rejects one or more of the proposed changes and recommendations the hearing process would need to be recommenced and determined by the whole of Council.

5. Discussion

5.1 Overview of decision

A range of submissions were received. There were no obvious or consistent themes, with submissions seeking a wide variety of changes to different parts of the Plan Change.

A number of key issues were discussed at the hearing, including:

- the appropriateness of splitting the existing Suburban Centres zone into a Centres and Business Area zones
- provisions relating to giving effect to the proposed Regional Policy Statement for the Wellington Region
- provisions relating to managing the effects of out-of-centre retail activities, including thresholds for requiring resource consent
- the appropriateness of applying urban design provisions including urban design guides and standards
- the appropriateness of increasing the permitted building height in parts of the Rongotai South Business 1 Area
- the appropriateness of rezoning sites in existing Suburban Centres around the City
- provisions relating to signage, wind, noise, transportation, flooding hazards and transmission lines.

The Plan Change document has been annotated to give effect to these proposed changes, and is attached as Appendix 2 to the decision.

Having considered the requirements of the RMA and the issues raised in submissions, the Hearing Committee considered that the plan change was appropriate and would allow the Council to better manage the effects of residential development within the City's Residential Areas. The Hearing Committee was also satisfied that Plan Change 73 (as recommended for approval) reflects the original intent of Council in notifying this plan change last year.

If Council approves Plan Change 73 the decisions will be notified and submitters will have the right to appeal the decision to the Environment Court. If no appeals are made the Plan Change will become operative.

6. Conclusion

The Hearing Committee has considered all submissions on Plan Change 73 and, where appropriate, has modified the notified provisions of the plan change in response to some submissions.

Once approved by Council the decisions will be publicly notified and served on the parties. They have the option of appealing any matter relevant to their submission to the Environment Court within 30 working days. If no appeals are received then Plan Change 72 will become fully operative.

Report from: *Alick Shaw, Chair of the District Plan Hearing Committee – Plan Changes 72 (Residential Review) and 73 (Suburban Centres Review)*

Contact Officer: *Stefania Chrzanowska, Senior Policy Advisor*

Supporting Information

1) Strategic Fit / Strategic Outcome

The District Plan changes support goals and outcomes desired by the Urban Development Strategy.

2) LTCCP/Annual Plan reference and long term financial impact

There are no specific OPEX or CAPEX proposals directly related to this paper.

It is noted that funding will be required in order to resolve any appeals that may be received following the release of the decision. A number of concerns held by submitters have been resolved through the submission stage, but it is possible that appeals may still be made against some aspects of the decision.

3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-Making

The proposals to change the District Plans are in accordance with Council's wider strategic framework and the decisions made on submissions maintain the original intent of the notified provisions. Elements of the draft plan change seek to enhance protection for elements of the city that contribute to the city's sense of place (eg. amenity values and compact urban form).

5) Consultation

a) General Consultation

The notified plan changes reflected the advice and feedback from the draft consultation stage. The decision reports discuss the submissions received and decisions made on those submissions.

b) Consultation with Maori

The Wellington Tenth Trust and Te Runanga o Toa Rangatira were advised of the plan changes no submissions were received from them.

6) Legal Implications

The Proposed Plan Changes have been assessed in accord with the Resource Management Act 1991. A legal opinion was received on specific issues during the hearing of the submissions. No further legal input was required as a result of the Committee decisions.

7) Consistency with existing policy

The Plan Changes are consistent with other Council policy.