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**REPORT 5**  
*(1215/53/IM)*

## **PROPOSED DEVELOPMENT – TAKAPU ISLAND TAWA – COMPREHENSIVE DEVELOPMENT PLAN**

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### **1. Purpose of Report**

To consider the approval of a comprehensive development plan lodged by Chaffers Properties Limited for the development of the site in Tawa commonly known as Takapu Island as required under the provisions of Proposed District Plan Change 47 (DPC 47) which apply to the site.

### **2. Executive Summary**

This report considers the approval of a comprehensive development plan for the Takapu Island site in Tawa as required under the provisions of District Plan Change 47.

Various issues relating to the implementation of the comprehensive development plan provisions are identified. There is uncertainty regarding the extent of assessment required for a comprehensive development plan and concern that the consideration of detailed site development issues could pre-empt the required resource consent process.

Given the current owners desire to develop the site as a totality and subject to resource consent processes soon to be initiated, it is considered that approval of the comprehensive development plan should be addressed at a 'strategic' level. The primary aim should be to ensure that the site is developed in a coordinated and integrated manner leaving the consideration of detailed site development issues to be more properly dealt with through the required resource consent processes.

### **3. Recommendations**

Officers recommend that the Committee:

- 1. Receives the information.*
- 2. Agrees that the Comprehensive Development Plan from Chaffers Properties Limited prepared by Urban Perspectives Limited dated July 2008 for the development of the site known as Takapu Island be approved as a strategic level commitment to development of the site in an integrated and comprehensive manner.*

3. *Notes that the approval of the Comprehensive Development Plan does not imply approval of the development proposal or pre-empt in any way the consideration of detailed site development issues that will be the subject of subsequent resource consent processes.*

## **4. Background**

### **4.1 Introduction**

For some weeks discussions have been held with the owners of the site commonly known as Takapu Island adjacent to the Tawa interchange regarding the development of a retail centre and other associated uses. To progress the proposal, a comprehensive development plan has now been submitted for approval as required under the provisions of District Plan Change 47 that apply to the land.

In July 2006 an application for a private District Plan change was made to rezone the land from residential to suburban centre with related rules to facilitate future mixed use development. Following the usual processes, including a hearing in association with proposed District Plan Change 52 (Suburban Centre Rule Amendments), Council approved the rezoning with amended rule provisions. A key amendment was the inclusion of a standard requiring all development to be undertaken in accordance with an approved comprehensive development plan. This reads as follows:

#### **Standards and Terms**

All development (including buildings, open space, public infrastructure, public transport and traffic management works) will only be undertaken in accordance with an approved comprehensive development plan for the whole of the Takapu Island Suburban Centre. The comprehensive development plan shall address the following matters:

- provision of a compatible mix of business, residential, community and open space activities and facilities;
- a scale and nature of retail development which does not compromise the vitality and viability of Tawa, Johnsonville and Newlands suburban centres;
- integrated development of the land, including the staging and timing of development;
- high quality urban design, traffic and service infrastructure including providing two agreed access roundabouts, and public transport connections and facilities, including provision of a park and ride facility on the Takapu Island site;
- the environmental quality of the Porirua Stream adjacent to the site is maintained and enhanced;

- *the visual impact of development is mitigated through appropriate landscaping, earthworks and other mitigation measures;*
- *the environmental effects of development within the site and locality are appropriately managed and mitigated.*

The Comprehensive Development Plan from the owners lodged on Friday 17 July is attached as Appendix 1.

## **4.2 Comprehensive Development Plan - Issues**

The implementation of the Comprehensive Development Plan requirement is unusual with no real precedent in the District Plan. In the late 1990's the Environment Court required a comprehensive development plan for the development of the airspace above the railway yards but these provisions have never been activated.

In the case of Takapu Island the lodgement of a Comprehensive Development Plan for the site has raised issues regarding the implementation of the provisions, particularly the interrelationship with resource consent processes that must also be undertaken for the development of the site. The key issues are commented on briefly below.

### **4.2.1 Who determines the Comprehensive Development Plan?**

The first question is why is this matter before the Regulatory Processes Committee for consideration? Under District Plan Change 47 the required approval of a comprehensive development plan is a pre-resource consent process and does not therefore fall within the mandate of the Local Area Planning team. However, given the recent approval of Plan Change 47 by Council and the general interest in the development of the Takapu Island site it was considered appropriate for the matter to be dealt with by the Regulatory Processes Committee. This would fall within the general purpose of the Committee to oversee regulatory matters and to conduct hearings and make decisions on regulatory matters.

### **4.2.2 Consideration of subsequent resource consent**

The consideration of a comprehensive development plan process under DPC 47 has the potential to conflict with statutory resource consent processes for the assessment of future development as a discretionary activity (restricted).

As outlined in the seven bullet points in 4.1 above, a comprehensive development plan for the site is required to address a range of matters that would cover most of the detail normally considered in a resource consent. This is problematic because prior consideration of these matters would be tantamount to an 'approval in principle' which would be ultra vires.

It would be possible for the Comprehensive Development Plan to be submitted concurrently with a resource consent but this would raise further potential procedural issues. Consideration of the Comprehensive Development Plan would still precede the resource consent and assessment by different decision makers could result in conflicting decisions.

#### **4.2.3 Implications of declining the Comprehensive Development Plan**

A further issue concerns the status of any subsequent resource consent application should approval to the Comprehensive Development Plan not be given. This has not been anticipated in the DPC 47 provisions but it appears that resource consents would be triggered into the non-complying category. This could also raise procedural issues, particularly if refusal of the comprehensive development plan related to one or all of the bullet pointed items under the Standards and Terms which may not have been subject to the same level of scrutiny or rigour of assessment required under resource consent processes.

#### **4.2.4 The link between the Comprehensive Development Plan and a resource consent**

The DPC 47 provisions are not explicit about the linkage between an approved Comprehensive Development Plan and any subsequent resource consent. However, it is expected that there would have to be a clear reference to the Comprehensive Development Plan in the resource consent decision backed by appropriate conditions to secure the intent of the Plan.

## **5. Discussion**

### **5.1 The intent of the Comprehensive Development Plan requirement**

In light of the various issues and uncertainties surrounding the implementation of a comprehensive development plan for the Takapu Island site it is considered that an appropriate way forward in the present circumstances would be to assess the Plan in terms of the general intention of the DPC 47 decision. In this regard the following reasoning was included in the Council decision of 10 October 2007:

*The Committee considers that given its size and proximity to SH 1 and the Takapu Railway Station the development potential of the land is significant. We believe there is an opportunity to develop a high quality mixed use development on the land consistent with the intent of the Northern Growth Management Framework (NGMF). However this development potential may not be fully realised if the land is not developed in a comprehensive and integrated manner. The provisions proposed by TIDL will not ensure integrated development, particularly if development occurs through one-off developments.*

*The Committee is of the view that TIDL should prepare a plan indicating what future uses of the land is proposed, when the park and ride is to likely to developed, and what if any development stages are proposed for the land. To this end the Committee has made changes to the discretionary activity rule (as*

*proposed by TIDL) to require a comprehensive development plan be developed for the land prior to any development taking place.*

*This will ensure the following key issues are managed in a sustainable manner:*

- a mix of business, residential, community and open space activities and facilities are provided over the whole of the land;*
- the avoidance of a high concentration of retail development, such as large format retailing of the kind generally found in suburban (town) centres. This is to ensure the vitality and viability of Tawa and Johnsonville neighbourhood centres are not compromised;*
- integrated development of the land occurs to ensure a high quality of urban design, traffic and service infrastructure, and public transport connections and facilities (such as a park and ride facility on the land);*
- the environmental quality of the Porirua Stream adjacent to the site is maintained and enhanced;*
- development of the land occurs in a staged and timely manner; and*
- the environmental effects of development within the site and locality are appropriately managed and mitigated.*

From the above it is believed that the decision was about ensuring the comprehensive development of the site in a strategic sense and not specifically about determining the detail which is more correctly a matter for a resource consent decision. It is through the resource consent processes that evidence can be submitted and due consideration given to the effects and impacts of any development.

In this light it is considered that the Comprehensive Development Plan that has been lodged provides a clear commitment to develop the site as a totality and in an integrated way. All of the seven bullet pointed items in the rules have also been addressed in the Plan with an indication of what is intended to be done to manage the site in a sustainable manner. There has been no attempt at this stage to respond fully to all of the bullet pointed items and in the circumstances this is considered to be appropriate. It is rightly stated that the Comprehensive Development Plan is not a resource consent application but a precursor to it as required under DPC 47. As it is intended that a resource consent will soon be initiated for the development of the entire site, it is accepted that the resource consent process provides the proper avenue for the consideration and determination of all detailed site development issues.

If the Committee is in accord with this view then it should be made clear to the applicant that approval of the Comprehensive Development Plan does not imply approval of the development plan and does not pre-empt in any way the consideration of issues that will be the subject of future resource consent processes. At this stage is not possible to make any considered judgment as completed plans and information on the proposed development have not been submitted. Full assessments will be undertaken when a resource consent application is received.

## **5.2 Development Concept**

The concept for the development of the site envisages a mix of land uses, focused on large-format retail, with vehicle servicing and future commuter park-and-ride/carparking, as well as landscaping and environmental improvements.

A rationale for excluding residential development has been given and it is agreed that the constraints of the site may not lend itself to a successful mixed use development including residential. The retail proposed does accord with the draft Centres Policy, although the economic impact on Tawa and other centres has not yet been assessed.

There are proposals for appropriate landscaping and re-vegetation of the edges of the site and adjacent to the Porirua Stream.

On balance it is considered that the concept plans provide for a development that is appropriate, subject to further consideration of all details at the resource consent stage.

## **6. Conclusion**

The proposed development of the Takapu Island site under the new provisions of DPC 47 has raised some interesting issues regarding the implementation of the comprehensive development plan provisions. In particular there is uncertainty about how the provisions are to apply with regard to future resource consent processes. It is considered that in light of the applicant's clear intention to develop the site in a coordinated and integrated way, the proposed Comprehensive Development Plan should be approved to enable all site development issues to be fully considered under the required resource consent processes.

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## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

The District Plan supports a wide range of strategic outcomes, particularly those under the Built Environment, Natural Environment and Transport key outcome areas.

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

Relates to the ongoing administration of the District Plan. Project C533 – District Plan

### **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**

This is not a significant decision. The report is addressing a matter prescribed in the rules for District Plan change 47.

### **5) Consultation**

Not applicable.

### **6) Legal Implications**

The Council's lawyers have been consulted.

### **7) Consistency with existing policy**

The approval of a comprehensive development plan for the Takapu Island site is in accordance with Council policy.