
REPORT 1
(1215/11/IM)

**DECISION ON DISTRICT PLAN CHANGE 61:
REZONING OF LAND OFF HUNTLEIGH PARK WAY,
HEKE STREET & THATCHER CRESCENT (NGAIO)
FROM RURAL AREA TO RESIDENTIAL (OUTER) AREA**

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Commissioner concerning District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street & Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area.

2. Recommendations

It is recommended that the Council:

- 1. Receives the information.*
- 2. Approves the recommendations of the District Plan Hearing Commissioner in respect of District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street & Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area, as detailed in the Hearing Commissioner's Report and the annotated version of the Plan Change document (attached as Appendix 1).*

3. Background

3.1 Site description and zoning

The properties affected by the plan change gain access off Huntleigh Park Way, Heke Street and Thatcher Crescent, Ngaio. These allotments range in size from 1,471m² to 1 hectare, and apart from where the existing dwellings are sited, all of the land is covered in remnant and regenerating indigenous vegetation.

Under the Transitional District Plan the land was given a Residential G, or 'rural residential' zoning, that provided for large residential lots with a minimum average of 6,000m². As there was no similar zoning provided for in the Proposed District Plan (1994) it was decided at the time that the land would be zoned Rural Area.

The Rural Area zone provisions do not provide for any further residential development, except on the undeveloped land at 11A Huntleigh Park Way where only one dwelling can be developed. The Rural Area zone also provides no vegetation clearance restrictions. There is a risk that the ecologically-significant indigenous vegetation could be cleared at any stage in the future and the land compromised by grazing and other inappropriate uses.

The existing Rural Area zoning is therefore considered inappropriate given that it is not used for rural purposes and is within the urban environs of the city. This was acknowledged at the time the District Plan was notified in 1994, and a decision was made to re-consider this zoning as part of a plan change at a later date.

3.2 Plan Change proposal

Council notified Proposed District Plan Change 61 on 8 September 2007. The proposal called for the rezoning of six Rural sites located between the Huntleigh Park Conservation Site and the existing western extent of the Outer Residential Area in suburban Ngaio and Crofton Downs. Five of the sites were also to be managed by an appendix to the Residential Chapter of the Plan, with specific controls on vegetation clearance and number & siting of future buildings.

4. Discussion

119 main submissions and 13 further submissions were received on the plan change.

Responses were mixed, with many submitters either partially supporting and/or partially opposing the proposal. Submitters were generally concerned with specific aspects of its provisions, yet some objected to the Plan Change in its entirety.

Eighteen parties attended the hearing and spoke to their submissions. One submitter was unable to attend, but arranged for her evidence to be recorded and played during proceedings. The Commissioner gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared at the Hearing.

Having considered the requirements of the RMA and the issues raised in submissions, the Hearing Commissioner considered that the plan change was generally appropriate – and that it would allow landowners a reasonable level of development, while at the same time, providing a degree of protection for the significant vegetation in the area. The Commissioner recommends a number of amendments to the provisions (as notified) to improve their clarity, application and effectiveness. The key recommendations in respect of these amendments are:

- the inclusion of a new policy that ensures development in the area is sensitive to the ecological values of the land;

- clarification of the permitted activity rule that allows a modest amount of vegetation clearance for domestic purposes (gardens, landscaping, minor additions and alterations to existing houses, etc);
- a 250m² clearance limit applied to each new residential building site;
- a reduction in the number of household units allowed per residential building site from 2 to 1; and
- the *removal* of a new building site at number 79 Heke Street, the *inclusion* of a new building site at 83 Heke Street, and a second building site *included* at 11A Huntleigh Park Way.

5. Conclusion

The Hearing Commissioner recommends that Council endorse DPC 61, with the amendments set out in Appendix 1 of this report. Once approved by Council the decision will be publicly notified and notice served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

Hearing Commissioner: *Stuart Kinnear*

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