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**REPORT 1**  
*(1215/11/IM)*

## **DECISION ON DISTRICT PLAN CHANGE 62: REZONING AT BELLEVUE RESIDENTIAL ESTATE (NEWLANDS) AND ASSOCIATED POLICY AMENDMENT**

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

To report to Council the recommendations of the District Plan Hearing Commissioners concerning District Plan Change 62 – Rezoning at Bellevue Estate (Newlands) and Associated Policy Amendment.

### **2. Recommendations**

It is recommended that the Council:

- 1. Receive the information.*
- 2. Approve the recommendations of the District Plan Hearing Commissioners in respect of District Plan Change 62 – Rezoning at Bellevue Estate (Newlands) and Associated Policy Amendment, as detailed in the Hearing Commissioner’s Report (attached as Appendix 1).*

### **3. Background**

#### **3.1 Plan change proposal**

Proposed District Plan Change 62 is a private plan change requested by Jarden Properties. The primary focus of the change is to rezone an area to complete Stage 8 of the Bellevue subdivision comprising some 48 lots. In addition the plan change also requested the rezoning of land around the fringe of the existing Bellevue Residential Estate. Specifically, the plan change sought the following:

#### **Zoning changes (Planning Map 34)**

1. The existing Rural zoning over approximately 4.87ha of land between Domett Street and Glanmire Road to be replaced with an Outer Residential Area zoning. This would enable the development of Stage 8 of the Bellevue subdivision.
2. The existing Conservation Site zoning over two small areas of land at the end of Tamworth Crescent and Bendigo Avenue to be replaced with Outer Residential Area zoning.

3. Strips of land currently zoned either Outer Residential Area or Rural Area on fringe areas of the Bellevue Residential Estate to be replaced with Conservation Site zoning.

#### ***Amendment to Policy 4.2.9.2***

4. Policy 4.2.9.2 which signals that new extensions to the existing road network will be provided for in some circumstances, would be amended to include “*From Domett Street to Glanmire Road*” as one of the actual or potential future road extensions.

In addition ‘indicative’ subdivision layout and earthworks plans for the Stage 8 area (between Domett Street and Glanmire Road) were provided with the plan change request. Key features of these plans included:

- forty eight residential allotments ranging in size from 410m<sup>2</sup> to 970m<sup>2</sup>, with a large balance lot of approximately 2ha adjacent to Glanmire Road
- an area of regenerating bush to be covenanted
- a reserve of 1400m<sup>2</sup> that would provide a connection to the adjacent Conservation site
- an indicative road connection between Glanmire Road and Domett Street with a small cul-de-sac extending off this link
- earthworks involving the lowering of the hilltop at the end of Domett Street, with the material placed at the head of the adjoining gully (to achieve a balance of cut to fill)

The plan change was notified on 3 November 2008 and attracted a total of 15 submissions and 1 further submission. The hearing of submissions was held on 10 and 12 November 2008.

#### ***3.2 Description of the site***

The area to be rezoned from Rural to Outer Residential Area to provide for the Stage 8 subdivision is located between the recently developed Stage 7 of the Bellevue Residential Estate (located in Domett Street) and Glanmire Road. The site is a hilltop plateau, with a steep V shaped gully on the western side that runs parallel with Glanmire Road. An ephemeral stream in the upper part of the gully becomes a permanent water body in the lower gully.

Regenerating bush predominates on the southern hill top escarpment slope, and this adjoins a Conservation site (Gilberds Bush) to the south.

To the north-west and north, the site adjoins established residential areas within Newlands that were built around the 1970’s.

## 4. Discussion

In addition to the applicant, a total of 8 submitters appeared at the hearing to present their case.

Responses to the various issues raised were mixed, although the majority of submitters in the Glanmire Road area below the proposed Stage 8 subdivision were opposed to the rezoning.

Careful consideration was given to all submissions and the matters raised by the participants at the hearing.

Having considered the statutory requirements of the RMA and the issues raised in submissions, it was determined that the plan change was generally appropriate subject to amendments and additional controls to mitigate adverse effects that may arise when the land is subdivided and developed.

It was concluded that the requests for areas to be rezoned around the fringes of the residential estate were essentially 'tidy-ups' for the purpose of rectifying zoning anomalies that have occurred over time through the development of the past stages of the subdivision.

In respect of the Stage 8 area it was concluded that the land could be rezoned generally as requested but with additional controls requiring:

- The limitation of lots to no more than one dwelling
- The limitation of the maximum height of future dwellings in sensitive locations
- Measures to protect regenerating indigenous vegetation
- The preparation of an earthworks management plan.

These requirements are detailed in the proposed new appendix provisions that will apply to the land.

## 5. Conclusion

In conclusion it is recommended that Council endorse DPC 62, in accordance with the decision as 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 Commissioners:**     *Stuart Kinnear(Chair) and Robert Armstrong*