
REPORT 1
(1215/11/IM)

DISTRICT PLAN CHANGE 67: A REQUEST TO REZONE 43 SPENMOOR STREET FROM RURAL AREA TO RESIDENTIAL (OUTER) AREA

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Committee concerning proposed DPC67 – a private plan change that sought to change the zoning of land at 43 Spenmoor Street from Rural Area to Residential (Outer) Area.

2. Recommendation

It is recommended that the Council:

- 1. Receive the information.*
- 2. Agree to confirm the recommendation of the Hearing Commissioner to decline Proposed District Plan Change 67 as detailed in the attached Commissioners Report dated 24 March 2010.*

3. Background

DPC67 is a private plan change that seeks to change the zoning of approximately 17.7 hectares of land at 43 Spenmoor Street, from Rural Area to Residential (Outer) Area; and introduce additional controls that would apply to the site at the time of subsequent resource consent applications for subdivision and/or land use.

The property sits within the western harbour hills and is part of the Wellington Fault escarpment which comprises a prominent land form running from Tinakori Hill to the Hutt Valley.

Since DPC67 was notified, the property has been subdivided into 40 rural residential allotments in accordance with a resource consent granted 31 May 2006 (WCC SR 1402920).

DPC67 was publicly notified, submissions received and a hearing held on 7 and 9 October and 3 November 2009.

4. Discussion

Having considered the requirements of the Resource Management Act 1991 and the issues raised by the Request, the written submissions, and the submissions and evidence presented at the Hearing, the Hearing Commissioner considers that the land should not be rezoned “Residential (Outer)” and hence, Plan Change 67 be **DECLINED** for the following reasons:

1. The proposed rezoning from Rural Area to Outer Residential Area is not considered an appropriate way to manage the effects of the use, development or protection of the land and its associated natural and physical resources in accordance with sustainable management principles, and would not assist the Council to carry out its functions in order to achieve the purpose of the RMA.
2. Retention of the District Plan objectives for the Rural Area, particularly Objectives 14.2.2, 14.2.3 and 14.2.4 is a more appropriate means of achieving the purpose of the RMA than to replace these with the equivalent Residential Area objectives.
3. Retaining the Rural Area Policies and Rules is the most appropriate method for achieving the Objectives of the District Plan.
4. Sustainable management of natural and physical resources is promoted by retaining the rural residential zoning with a low density of development that enables the natural values of the Upper Ngauranga Ridgeline and Hilltop to be protected and avoids adverse effects on the amenity of the residents of Spenmoor Street that otherwise would result from a significant increase in traffic movements.
5. Residential development undertaken at the densities provided for under the Residential Area Rules would have unacceptable adverse effects on natural values and the traffic environment of Spenmoor Street and would not promote sustainable management of natural and physical resources.
6. The Plan Change land which is one of the city fringe areas where express provision has been made through District Plan Change 33 for Rural Residential development, and has already been subdivided in accordance with those provisions, is not suitable for rezoning for more intensive residential land use activities because of an established boundary pattern with multiple ownership and commitment to rural residential rather than residential character.
7. A rezoning of the Plan Change land to Outer Residential Area has the potential to reduce the effectiveness of the Ridgelines and Hilltop Overlay, and frustrate the anticipated environmental results which include the visual integration of new development with the

immediate landform and natural features, in context with the wider landscape character of ridgelines and hilltops.

8. Introducing additional dwellings into the landscape, even at a modest level of between 40 and 60 additional dwellings will reduce the opportunities for mitigation of adverse visual effects through landscaping and planting.
9. Given the particular characteristics of the original portion of Spenmoor Street anything more than a marginal increase in traffic, say from approximately 20 dwelling units, cannot be accommodated by Spenmoor Street in a sustainable manner and without significant adverse effects on the residents.

Once the recommendation is adopted by Council, the decision will be publicly notified and served on the parties. They have the option of appealing the matter to the Environment Court within 30 working days.

Report from: Stuart Kinnear
Resource Management Commissioner (Chair)

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:

Council is required to confirm or reject the recommendation of the Hearing Commissioners.

5) Consultation:

Consultation has been carried out with relevant Council staff. Statutory consultation has been carried out in accordance with the Schedule 1 of the RMA (1991).

6) Legal Implications:

The Proposed Plan Change has been assessed in accord with the Resource Management Act 1991.

7) Consistency with existing policy:

The Plan Change is not consistent with existing Council Policy, hence the recommendation to DECLINE.