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**REPORT 2**  
(1215/11/IM)

## **DECISION ON DISTRICT PLAN CHANGE 72 - RESIDENTIAL REVIEW**

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

To report to Council the recommendations of the Hearing Committee on District Plan Change 72 of the Wellington City District Plan.

### **2. Executive Summary**

The Hearing Committee has considered all written and oral submissions on Plan Change 72 and made its recommendations. This plan change was heard in conjunction with Plan Change 73 – Suburban Centres 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 residential design guide. 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 72 (Residential 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 72. There are a number of significant new provisions which will allow the Council to better manage development within Residential Areas. These include:

- Two new Medium Density Residential Areas near the Johnsonville and Kilbirnie Town Centres (formerly referred to as 'Areas of Change')
- A new Character Area that recognises the unique character and importance of Wellington's Residential Coastal Edge
- Amendments that increase the effectiveness of the Inner Residential Area rules covering demolition of buildings built prior to 1930
- Amendments to other policies, rules, design guides, definitions and maps to improve the effectiveness of the plan.

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 366 submissions and 15 further submissions were received on Plan Change 72. Fifty eight submitters attended the hearing over 14 days 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 over the period 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 in support or opposition to the Plan Change. 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:

#### *Johnsonville Medium Density Residential Area 2*

Johnsonville submitters wanted to ensure that infill development in the Medium Density Residential Area 2 was of a high standard, and would maintain the streetscape and townscape character.

Some submitters wanted smaller areas identified in other parts of the City (other than those proposed in the Kilbirnie and Johnsonville Medium Density Residential Areas), as this would contribute to increased density without disrupting entire suburbs.

#### *Kilbirnie Medium Density Residential Area 1*

There were fewer submissions in respect of the Kilbirnie Medium Density Residential Area 1 than in the Johnsonville Medium Density Residential Area 2. This may be due to support for existing medium density development and community amenities in the area (such as the Rita Angus development), and ongoing consultation on the future development of Kilbirnie Town Centre.

Other submitters such as the Regional Council supported the proposed growth policies in Plan Change 72 as they were consistent with the planning responses contained in the Proposed Regional Policy Statement.

#### *Other issues*

Other submissions covered a wide range of issues including:

- demolition controls relating to pre-1930s buildings
- the protection of the residential coastal edge through restrictions on buildings and structures
- the effectiveness of the Residential Design Guide and Residential Standards in managing development, and
- Airport and highway noise and measures to mitigate adverse environmental effects.

Some changes have been made to the notified plan change provisions in order to improve their clarity, application and effectiveness and to remove minor errors

in response to submitters' concerns. These changes to the notified plan change are shown on the annotated Plan Change attached as Appendix 2 to the decision report and associated maps.

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 72 (as recommended for approval) reflects the original intent of Council in notifying this plan change last year.

If Council is of a mind to approve Plan Change 72, 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 72 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:** *John McSweeney, Principal Advisor, Planning*

## **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.*

### **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's 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.*