
REPORT 5
(1215/52/IM)

PROPOSED DISTRICT PLAN CHANGE 76: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS V

1. Purpose of Report

To seek approval from the Committee to publicly notify Proposed District Plan Change 76 (DPC 76), which relates to general minor amendments to plan provisions, zoning and maps in order to assist the efficient operation of the District Plan.

2. Executive Summary

This Plan Change comprises forty nine separate changes to the District Plan. The changes include:

- a number of rezonings of reserve land to better reflect the existing open space or conservation use of the site
- a number of other rezonings to better reflect the actual use of individual sites
- rezoning of land at 11 Vennell street from Open Space A to Residential (Outer)
- removal of Heritage Tree listings in Chapter 21 of the District Plan and consequential changes to the District Plan Maps
- realignment of a small part of the Ridgeline and Hilltops Overlay, Khouri Avenue, Karori
- text changes to Rule 11.1.1.1.6 Night Flying Operations.

The changes proposed in this Plan Change are considered minor in nature and are necessary to ensure the efficient operation of the District Plan.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Agree to publicly notify Proposed District Plan Change 76, as set out in Appendix 1 of this report, in accordance with Schedule 1 of the Resource Management Act 1991.*

3. *Adopt the Section 32 Report attached as Appendix 2.*
4. *Agree to delegate to the Portfolio Leader Built Environment and the Chief Executive the authority to make any changes to the Plan Change document and the Section 32 report required as a result of decisions of this Committee, as well as minor editorial amendments, prior to Plan Change 76 being notified.*

4. Discussion

This Plan Change comprises sixty eight separate changes to the District Plan.

These changes are set out in detail in the Plan Change document (attached as Appendix 1) that includes maps of all the proposed corrections and re-zonings. A Section 32 evaluation report has also been prepared as part of this process and is attached as Appendix 2.

4.1 Re-zoning for Open Space and Conservation Purposes (Maps A to X, Attachment 1)

In 2009 and 2010, Parks and Gardens undertook a Reserves Classification Study to tidy up the classifications of parks and reserves under the Reserves Act 1977. During this study, a number of district plan zonings were identified as being incorrect for the use of the land and subsequently, Parks and Gardens have requested to have the zoning of these areas changed. The Plan Change process under the RMA is occurring in parallel with the Reserves Classification project being undertaken by Parks and Gardens, which is undertaken under the Reserves Act. Parks and Gardens have undertaken consultation and the submissions received do not raise issues relating to the rezonings of these reserves.

All the Parks and Reserves land included in the wider Reserves Classification Study and the Proposed Plan Change are Council owned. None of the parks and reserves will be removed from Council ownership or are losing their reserve status.

The District Plan contains a range of zonings that reflect the different types of reserves that Councils owns and manages. A brief description of the different types is provided below:

- Open Space A – active recreation, sports fields, community halls, and sports buildings and club rooms;
- Open Space B – passive recreation, walking tracks with an emphasis on protecting the natural environment;
- Open Space C – Inner Town Belt; and
- Conservation Site – sites identified for their ecological value.

In general the zone changes proposed are from one type of Open Space zoning to another, from Open Space to Conservation Site or from Rural or Residential to an Open Space zoning.

The zoning changes proposed for the reserve sites will better reflect the actual and intended recreation use of the reserves and better protect and enhance the recreation, heritage, ecological and/or landscape values of these reserves. A range of different zone changes are proposed and a detailed list is provided in the Plan Change document (Appendix 1).

4.2 Other Rezonings

4.2.1 16 and 16A Monorgan Road, Strathmore – Map 1, Attachment 1

The sites at 16 and 16A Monorgan Road are zoned Airport and Golf Course Recreation Precinct. The site was redeveloped in 1995 when a demolition consent for the original building was granted and a subdivision consent applied for.



The land has been developed for residential purposes and can therefore no longer be used for Airport or Golf Course purposes.

It is proposed to rezone the land from Airport and Golf Course Recreation Precinct to Residential (Outer) Area to best reflect its current and future use.

4.2.2 Girl Guide Land at 44 Silverstream Road, Crofton Downs - Map 3, Attachment 1

44 Silverstream Road is a large area of land zoned Conservation Site which is owned by the Girl Guides. The site contains a clubroom, a carparking area, grassed areas, a ropes course and a steep hillside covered in native bush.



In 2006, Wellington City Council agreed that the current Conservation Site zoning of the lower portion of the site containing the grassed area, ropes course, carpark and clubrooms, did not reflect the existing use requirements of that part of the site.

It was proposed to include a rezoning within a Plan Change relating to Huntleigh Park (Plan Change 61). However, it was later decided to exclude the Girl Guides land as it was considered inappropriate to have the rezoning of the Girl Guides land tied up in a controversial rezoning proposal at Huntleigh Park Way, Heke St, and Thatcher Cres.

A zone change for 0.8 hectares of land from Conservation to Open Space B is seen as appropriate to reflect the lands actual use.

4.2.3 11 Vennell Street – Map 4, Attachment 1

The land at 11 Vennell Street was formerly a works depot used by the City Operations Business Unit of the Wellington City Council. The depot has since closed. The site is zoned Open Space A, but is not a reserve under the Reserves Act 1977.

The site adjoins the Vogelmorn Community Hall and Bowling Club to the west and the Vogeltown Tennis Club is located across the road to the north. The land has been used in the past as spill over car parking for the tennis and bowling clubs and part of the property was used to provide alternative pedestrian access to a tennis club and residential building adjoining the rear of the property to the south.



All building improvements, other than the remains of a concrete structure, have been removed from the site and the property has become overgrown. The immediate vicinity of the site and the surrounding neighbourhood is well serviced for reserves, community facilities and parks and the property is not required for recreation or community purposes.

The property has been the subject of several reports to SPC (in 2009 and 2010) in which the Committee discussed possible future uses and sale of the site. As part of this process the community was given the opportunity to find a suitable use for the site and a community group came forward with a proposal. The proposal was not considered suitable, as the proposed use could easily be accommodated in the adjoining community hall, without the need for the construction of a new building.

In February of 2010, the Wellington City Council declared the property surplus to its requirements and resolved that the property be rezoned Outer Residential and sold.

It is considered that a residential zoning is appropriate as it adjoins residential properties to the east and it is in close proximity to existing community facilities. It is proposed to rezone the property from Open Space A to Residential (Outer).

4.2.4 Sunhaven Drive, Newlands (adjoining 28 and 43 Sunhaven Drive) – Map 5, Attachment 1

The land at Sunhaven Drive was recently purchased by Wellington City Council. It is currently zoned Residential (Outer).

The site contains road frontage onto Sunhaven Drive (ie a portion of the formed driveway and the grassy area in the adjoining photo) which leads to a steep site containing regenerating vegetation. The site adjoins an existing Conservation Area (5I Gilberts Bush).



It is proposed that the land be rezoned to Conservation Area (5I Gilberts Bush) to become part of the existing conservation site.

4.2.5 Part of Salisbury Garden Court, Wadestown (Rangiohua Land) – Map 6, Attachment 1

Land adjoining Salisbury Garden Court is owned by Wellington City Council. The land was approved by Council for purchase in December 2007 and the purchase was completed in early 2008. The land adjoins the Inner Town Belt and is currently zoned Residential (Outer). The land will not be used for residential purposes and will be classified as a Recreation Reserve under the Reserves Act 1977. Council has previously resolved to rezone the land from Outer Residential to Open Space B.



4.2.6 Land Adjoining Houghton Bay School - Map 7, Attachment 1

Two lots adjoining Houghton Bay School (Lots 1 & 2 DP 9018) were transferred from a private owner to Wellington City Council in 1957. The land adjoins Sinclair Park, Houghton Bay.

In 2009, the Ministry of Education applied for, and was granted, an extension to the designation around Houghton Bay School to include Sec 1 SO 384813 (land

on which the existing Houghton Bay school playground is located) to the east of the two Council owned lots. This lot lies between the Council owned lots and the residential lots adjoining Houghton Bay Rd.

Lots 1 & 2 DP 9018 are now land locked with no legal access or road frontage and would be inappropriate to develop for residential purposes. It is therefore considered appropriate to rezone the land to Open Space A. The lots are contiguous with an area of existing Open Space A to the west of the land.

4.2.7 Old Quarry Site, Owhiro Bay – Map 8, Attachment 1

In November 2009, the Environment Court issued a Consent Order on Plan Change 55 which confirmed that the majority of the former Owhiro Bay Quarry Site would be rezoned from Rural to Open Space B. As part of that Consent Order, the Court also rezoned the Hape Stream catchments and the catchment above Whare Raurekau (baches) located within the former quarry site as Conservation Site. As with any Consent issued by the Environment Court, this had immediate effect in the District Plan. Although the zoning is now operative, there still remains an agreed outstanding appeal matter relating to Conservation Site zoning on the site that is now being addressed as part of Plan Change 76.

As part of the mediation process for Plan Change 55, Council undertook an ecological study of the wider area which showed that the catchments identified by Southern Environmental Association (Wellington) Incorporated, as well as the upper areas of the site, had sufficient values to warrant their recognition as Conservation Site in the District Plan. The terraced area of the former quarry however, is still in a state of rehabilitation and does not hold quite the same value and therefore Open Space B zoning is more applicable. In November 2008, the Council's Regulatory Processes Committee agreed to settle the appeal on this basis. However, when this mediated settlement was presented to the Environment Court, they considered that the Conservation Site zoning of the upper areas of the site was beyond the scope of SEA's appeal. Given the position taken by the Court, it was agreed by the appellants and Council that the Conservation Site zoning would be addressed via a future Plan Change.

The rezoning in this Plan Change is therefore the final stage of Council's commitment made during the resolution of Plan Change 55.

4.3 *Removal of Ridgelines and Hilltops Overlay, Khouri Avenue – Map 2, Attachment 1*

It is proposed to remove the Ridgelines and Hilltops Overlay line from the properties at 43, 45, 47 and 49 Khouri Avenue, Karori. These four properties have been developed for residential purposes as part of a previous plan change (Plan Change 34) and land exchange process with Wellington City Council. The overlay line was introduced to protect ridgelines and hilltops of significant value to the Wellington landscape. The ridgeline and hilltops overlay is not considered appropriate now the properties have been developed.

4.4 Heritage Trees

Heritage Trees - Numbers 3, 20, 142, 211, 253, 283 – Maps 9 to 14, Attachment 1

In 2008 Parks and Gardens undertook a study of heritage trees around the city. At the completion of this study, it was found that six of the heritage trees identified in the District Plan have either died through natural causes; been removed after suffering major damage during a storm; or upon visiting the sites, were no longer there. Parks and Gardens have requested that the individual listing of these six trees to be removed from the District Plan:

- (a) 3 - 170 Raroa Road, Kelburn; Tree suffered major damaged during a storm and was removed
- (b) 20 – 430 Karori Road, Karori; Tree died of natural causes and was removed
- (c) 142 – 63 Wallace Street, Mt Cook; Tree was removed some years ago, and the reasons for this are now unclear
- (d) 211 – 300 Adelaide Road, Newtown; Tree died of natural causes and was removed
- (e) 253 – 9 Fairview Crescent, Kelburn; Tree suffered major damaged during a storm and was removed
- (f) 283 – 5 Corunna Avenue, Newtown; Tree died of natural causes and was removed

The Heritage Team has been consulted and are aware of the removal of these heritage tree listings.

4.5 Night Flying Operations

Airport and Golf Course Recreation Precinct Rule 11.1.1.1.6 (Night Flying Operations)

The District Plan currently allows for defence aircraft to take off outside of the night flying operation hours (i.e. after midnight) for national Civil Defence Emergencies but does not provide for flights outside night flying operation hours to respond to international Civil Emergencies. The NZ Defence Force breached the night flying operation rules when taking off after midnight when responding to the Samoan tsunami in 2009.

While in this instance Council did not take enforcement action against the NZ Defence Force it is considered appropriate to amend the wording of rule 11.1.1.1.6 to avoid this situation arising again and allow the New Zealand Defence Force to respond to International Civil Defence Emergencies outside of the night flying operation hours.

Additionally, the Civil Defence Emergency Management Act 1983 has been replaced by the Civil Defence Emergency Management Act 2002. The Civil

Defence Emergency Act 2002 changes the terminology from ‘national or civil defence emergency’ to ‘any state of civil defence emergency’. Therefore, it is proposed to amend the wording of the rule to align with the amended legislation and terminology used in that legislation.

Rule 11.1.1.1.6 is proposed to read:

the operation of unscheduled flights required to meet the needs of ~~a national or civil defence emergency declared under the Civil defence Act 1983~~ any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency”.

5. Conclusion

All of the above proposed changes and rezonings are considered minor in nature. If approved for notification it will enable errors to be corrected, ensure more appropriate zonings that recognise and provide for the efficient use of the land, and allow for the efficient administration of the District Plan.

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Supporting Information

1) Strategic Fit / Strategic Outcome:

The District Plan supports the outcomes of the Urban Development Strategy.

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

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 plan change is to make minor amendments and corrections.

5) Consultation:

The required statutory consultation has been undertaken.

Letters have been sent to affected property owners and adjoining properties to outline the process involved in a plan change and what is being proposed. No feedback has been received to date.

6) Legal Implications:

There are no direct legal implications.

7) Consistency with existing policy:

The proposed amendments and corrections accord with Council policy.