

## REPORT 9

# PROPOSED DISTRICT PLAN CHANGE 78: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS VI

### 1. Purpose of report

To seek approval from the Committee to publicly notify proposed District Plan Change 78 (DPC78), which relates to general minor amendments to Plan provisions and zoning to assist the efficient operation of the District Plan.

### 2. Executive summary

This Plan Change comprises 33 separate minor changes to the District Plan. The changes include a number of minor re-zonings and text changes, predominantly involving clarifications and updates. The purpose of the Plan Change is to aid the efficient functioning of the District Plan and is part of regular 'maintenance'.

### 3. Recommendations

Officers recommend that the Transport and Urban Development Committee:

1. *Receive the information.*
2. *Agree to publicly notify proposed District Plan Change 78, 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 Chairperson (Transport and Urban Development Committee) 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 78 being notified.*

### 4. Background

During day-to-day administration of the District Plan, errors and ambiguities are occasionally encountered and recorded. The Council undertakes minor Plan C

on a regular basis to address these minor problems. Plan Change 78 is the sixth of this kind.

#### **4.1. Consultation and Engagement**

Consultation on the entire proposed Plan Change has been undertaken with parties identified in the First Schedule of the RMA, specifically:

- Ministry for the Environment
- Port Nicholson Block Settlement Trust
- Te Runanga O Toa Rangatira Inc.
- Greater Wellington Regional Council
- Department of Conservation

No concerns were received from these parties. In addition to this consultation, targeted notification of the Plan Change will be undertaken with potentially affected parties on an issue-specific basis.

## **5. Discussion**

This section briefly outlines the proposed changes. The proposed changes are provided in the Plan Change document (Appendix 1), while further description and analysis is provided in the Section 32 report (Appendix 2).

### **5.1. Clarifications**

Eight clarifications are proposed:

1. Clarifying that zone boundaries are at the centre of the legal road, not the physical road.
2. Amending details for the Whitmore Street viewshaft (Central Area Appendix 11) to clarify the correct edges and starting position.
3. Clarifying that the highest point a sign attached to a building can project is either the parapet level or the highest part to which it is attached, *whichever is lower*.
4. Showing the land above Seatoun Tunnel on planning maps as being zoned Outer Residential, not as legal road.
5. Removing text stating that any subsequent amendments to a particular New Zealand Standard referenced in the Plan must be complied with. This is not enforceable, as changes in referenced documents can only be given effect to through a Plan Change.
6. Changing references to the term 'Stream' in Chapter 30 to 'River', in order to be consistent with a past amendment to the definitions chapter.
7. Clarifying that a rule controlling new residential buildings in Rural Areas applies to conversions of existing buildings. It has previously been argued that

the conversion of rural buildings (e.g. barns) to houses does not trigger the rule; however this view is contrary to the policy intent of the Rural Chapter.

8. Correcting the non-notification clause in Rule 23.3.3 (relating to underground utility structures and lines) to refer to the correct assessment items.

### **5.2. Mapping Errors**

Ten fixes to mapping errors are proposed:

1. Correcting the location of Heritage Tree #10.
2. Adding a symbol to Map 16 showing the location of Heritage Tree #286.
3. Correcting the location of Heritage Building #348.
4. Correcting the location of Heritage Building #405.
5. Correcting the locations, labels and addresses of Heritage Buildings 10/3, 10/6, 26/1 and 26/5.
6. Removing the map overlays for Courtenay Place, Cuba Street and Civic Centre character areas (these have since been replaced with heritage areas).
7. Correcting Map 32 (Central City Height Limits) to clarify that Open Space A areas are not subject to the height limits shown.
8. Correcting Map 34 (Central City Road Hierarchy) to show the portion of Victoria Road between Vivian and Webb streets as 'Principal Road'.
9. Correcting Map 17 by replacing an erroneous cross-reference.
10. Renumbering Heritage Building #407 (Taikiwai) to #467 on the heritage schedule and Plan maps (as there are currently two separate #407 items).

### **5.3. Rule Changes**

Seven changes to Plan rules are proposed:

1. Excluding road utilities (including road signs and street lights) in Open Space Areas from having to comply with lighting rules that prohibit lines of sight between the light source and streets or residential areas. Brightness limits would still apply.
2. Allowing an assessment of visual amenity for earthworks where *either* the cut height/fill depth exceeds the standard *or* the area exceeds the stated standard. At the moment both criteria have to be met, contrary to the original policy intent.
3. Amending Rules 15.4.2 and 15.4.2a to make it a non-complying activity to create second (and subsequent) household units on parcels within a Ridgelines

and Hilltops overlay of the Rural Area. This would make it consistent with second (and subsequent) household units elsewhere in the Rural Area.

4. Amending provisions for earthworks within a Ridgelines and Hilltops overlay of the Open Space B Area. These would become a discretionary (unrestricted) activity if permitted activity standards are not met. This change would make these earthworks consistent with those within a Ridgelines and Hilltops overlay of the Rural Area.
5. Excluding smoke extractor fans from noise standards in Rule 13.6.1.1.2 that they could not reasonably meet in an emergency. These fans would still have to comply with other noise rules and regulations.
6. Adding a permitted activity rule for aerials that are too small to meet the definition of 'antenna'. This would ensure the original policy intent (which explicitly stated a desire for these activities to be permitted) is implemented.
7. Amending the methodology for measuring wind effects by adding data that is necessary to undertake assessments. This would allow a greater range of experts to assess the potential wind effects from proposed developments. The proposed changes also clarify that computer based wind tunnel testing can be used instead of a physical wind tunnel test, provided the computer model can demonstrate that it is calibrated to the existing wind environment. In addition, the standards are proposed to be amended to allow the stated wind strengths to be exceeded more often and for the measurements to be made in days per year, rather than the current hours per year. Plan Change 48 inadvertently made it more difficult to meet the wind standards and this Plan Change seeks to reverse this change.

#### **5.4. Updates**

Four amendments are proposed to incorporate updated information:

1. Updating the Stout Street Precinct Heritage Area to reflect the removal of non-heritage items arising from the construction of the Supreme Court building.
2. Showing newly formed legal roads as Legal Road on the District Plan maps, as opposed to being zoned.
3. Removing Heritage Tree #198 from the heritage schedule and planning maps, to reflect its physical removal in 2013 (resulting from the tree becoming unsafe and resting on a neighbouring property).
4. Making various changes required to incorporate updated noise standards (NZS6801:2008 and NZS6802:2008).

#### **5.5. Zoning Changes**

Four zoning changes are proposed:

1. Rezoning 79 Dixon Street from Legal Road to Central Area. This is a privately owned car park and is not legal road. Central Area provisions would already be applied to the site under section 3.7 of the District Plan, which states that legal roads inherit the provisions of the zone in which they are located. The proposed change is consequently mainly cartographic in nature.
2. Rezoning Lot 441 DP352897 from Outer Residential to Open Space B. This is an area of open space land in Woodridge between Kentwood Drive, Cedarwood Street and Woodridge Drive. The site is owned by the Council and was classified as reserve under the Reserves Act in June 2009. The land is currently an informal expanse of open space without buildings or structures and would consequently be most appropriately zoned as Open Space B. The reserves classification already restricts possible land uses.
3. Rezoning an area of land at Gibraltar Rock from Open Space A to Conservation Site 2D. This land is owned by the Council and adjoins an existing Conservation Site 2D, to which it has similar ecological values. An assessment has been undertaken by Council's Urban Ecology Manager, Myfanwy Emeny, which outlines the significance of the land as a Conservation Site.
4. Rezoning 68A Victory Avenue, Karori, from Open Space A to Outer Residential. This site is owned by the Council and was previously used as a playground. However, the playground equipment was decommissioned in 2008 and the land has since remained vacant. The site was declared surplus and approved for sale by Council on 24 November 2011. The Council resolution including approving the rezoning of the land to Outer Residential, as well as revoking the site's reserve status (since undertaken). As part of the reserve revocation and land disposal processes, consultation was undertaken with Council departments, ward councillors, treaty partners, adjoining land owners and the general public. No objections were received.

## **6. Conclusion**

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

Contact Officer: *Nathan Stocker, Planning Officer*

## SUPPORTING INFORMATION

### 1) Strategic fit / Strategic outcome

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

### 2) LTP/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 (under 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

#### a) General consultation

The required statutory consultation has been undertaken.

#### b) Consultation with Maori

As part of the required statutory consultation, Te Runanga O Toa Rangatira Inc. and Port Nicholson Block Settlement Trust have been consulted with.

### 6) Legal implications

There are no direct legal implications.

### 7) Consistency with existing policy

The proposed amendments and corrections accord with Council policy.