
PROPOSED DISTRICT PLAN CHANGE 44: GENERAL MINOR AMENDMENTS TO DISTRICT PLAN TEXT AND MAPS AND PROPOSED VARIATION 1 TO DISTRICT PLAN CHANGE 33

1 Purpose of Report

To advise the Tawa Community Board that Council officers propose to publicly notify Proposed District Plan Change 44 (general minor amendments), which includes the rezoning of Lot 1 DP 67858, Tawa, and Proposed Variation 1 to Plan Change 33.

2 Recommendations

It is recommended that the Tawa Community Board:

1. *Receive the information.*

3 Background

Proposed Rezoning

Lot 1 DP 67858 was zoned Rural when the Proposed District Plan (PDP) was notified in 1994. As a result of misunderstandings through the submission process, the land was rezoned Open Space B. However the owners, West Tawa Development Partnership Ltd (WTDL) were not aware of this.

When Proposed District Plan Change 33 (Ridgelines and Hilltops and Rural Area) was notified, WTDL lodged a submission to have their land rezoned from Open Space B to Rural. This was not accepted as it was considered that the requested rezoning was beyond the scope of Proposed District Plan Change 33 (PC33). In the decision it was recorded that:

“...This rezoning request is outside the scope of the Plan Change, and accordingly the request is rejected. The Panel notes that from the planning officer’s report that the Council is investigating this matter, with a view to rectifying this situation in a future plan change covering minor amendments”

Subsequently, WTDL lodged an appeal to the PC33 decision affecting their land. To assist in resolving the appeal the Regulatory Processes Committee (RPC) resolved in December 2005 that:

“Council will undertake to rezone Lot 1 DP 67858 from Open Space B to Rural in the next ‘Rats and Mice’ Plan Change. If the land is to be rezoned Rural, undertake an assessment of the sites rural character and its implications for subdivision to assess the sites suitability for inclusion in Rule 15.4.6 Appendix 6”

Rule 15.4.6 Appendix 6

This rule provides for the subdivision of the main portion of the company’s land for rural residential purposes.

In accordance with the above resolution (December 2005), an assessment of Lot 1 DP 67858 for inclusion within Appendix 6 was undertaken by Clive Anstey, Landscape Architect in February 2006. This assessment took the form of a review of the original report completed prior to the notification of PC33. Overall the assessment was favourable and concluded that the site had similar characteristics as the rural land adjoining it, and was suitable for rural residential development (attached as Appendix 3).

Rule 15.4.6 and Appendix 6 forms part of PC33 that remains subject to appeal. Additions to this rule can only be made by way of a variation to PC33. A variation is the technical term for a change to a provision of the plan (in this case PC33) before it is operative.

Strategy and Policy Committee

As the Strategy and Policy Committee (SPC) has the authority to approve the notification of plan changes, this matter was reported to SPC on 24 May 2006 (in accordance with the December 2005 RPC resolution). The WTDL topic was part of a composite plan change for minor amendments to the District Plan. The SPC resolved as follows:

2. *Agree to publicly notify the proposed District Plan zone changes and non-cadastral zone boundary ratifications, attaches as Appendix 1 in accordance with First Schedule of the Resource Management Act 1991.*
 - a. *Except for the proposal relating to rezoning of the corner of Karori Road and Campbell Street, to allow officers to reOcoimunicate the rationale for the proposed plan change to Karori residents and report back to Strategy and Policy Committee within 3 months.*
 - b. *In respect of West Tawa Development land, approval is subject to satisfactory feedback from the Tawa Community Board.*

As the above process had involved intense confidential negotiations with the appellant, and was consistent with the decision made by the Council on PC33 in April 2005, the Tawa Community Board has not been involved in mediation settlement to date.

Regulatory Process Committee and Strategy and Policy Committee

It is noted that this topic has been reported to both committees. This forms part of the process that the Council must follow to resolve appeals, as it ensures a decision that is fair and reasonable to both the appellant and the Council.

4 Conclusion

The proposed rezoning and variation will resolve the appeal from WTDL. The proposals will be publicly notified as part of a composite plan change of minor amendments in early August 2006. Following notification, the plan change will progress through the usual submissions and hearing stages under the Resource Management Act (1991).

Supporting Information

1) Fit with Strategic Objectives/Strategic Outcomes

This proposed District Plan Change of “Minor” amendments is part of the District Plan Team’s work programme and assists the smooth functioning of the District Plan.

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

Relates to updating of the District Plan. No long term financial impact.

3) Treaty of Waitangi considerations

There are no specific Treaty of Waitangi implications.

4) Decision-Making

This is not a significant decision. It is part of the on-going updating of Wellington City’s District Plan.

5) Consultation

a) General Consultation

Depending on the case, internal consultation has been undertaken with relevant Council staff from the Planning Policy Team and other business units. In the first round of public consultation all directly affected parties have been identified and invited to raise their concerns, if any, and to provide feedback. Whenever possible, suggestions to improve the Plan Change have been incorporated. Statutory consultation has been carried out in accordance with the 1st Schedule of the RMA.

b) Consultation with Maori

Iwi were contacted as part of the consultation process. This consultation paper has raised no direct issues for Tangata Whenua.

6) Legal Implications

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

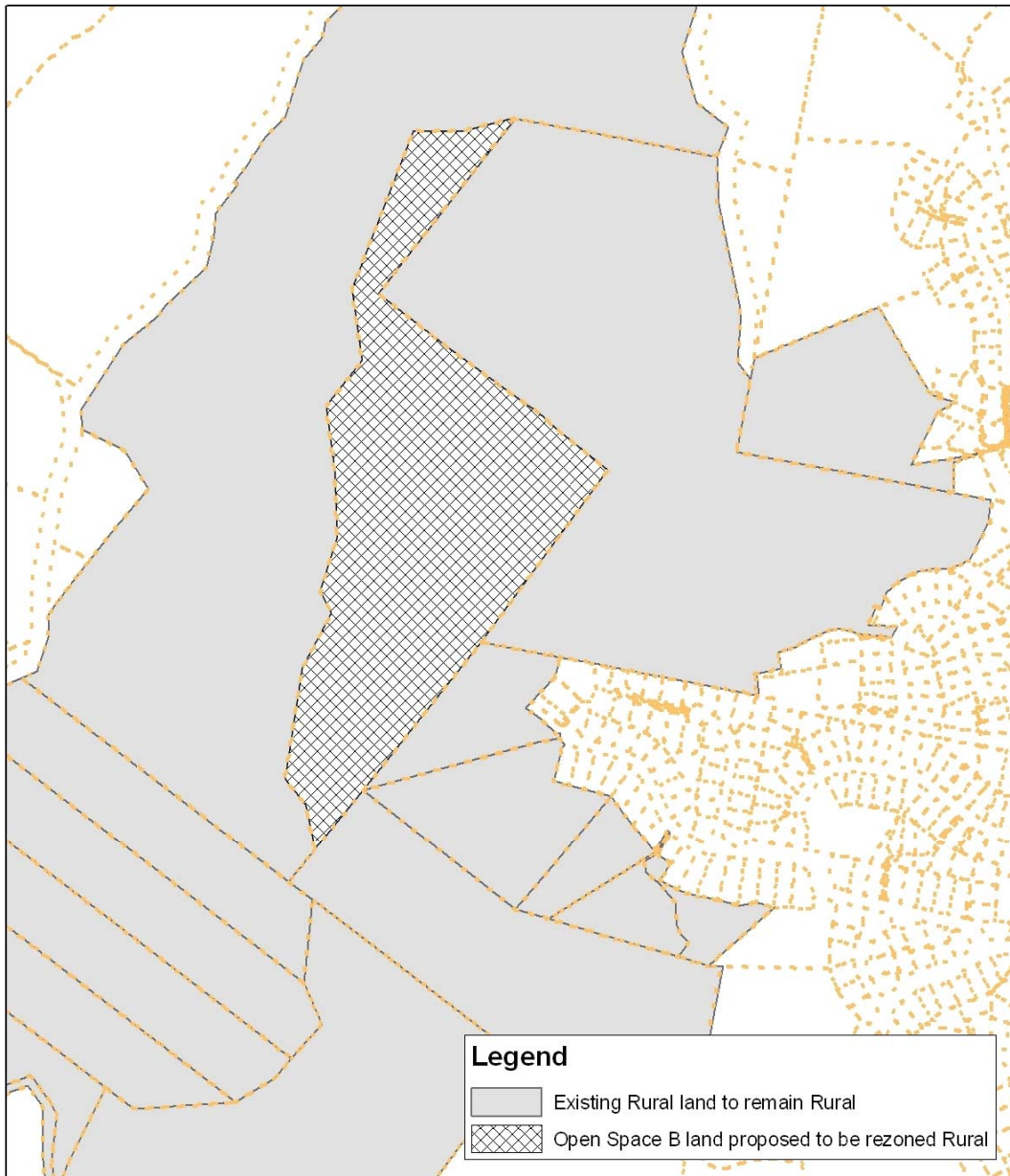
7) Consistency with existing policy

The proposed Plan Change is consistent with existing WCC policy.

APPENDIX 1:

Proposed Zoning Change
Lot 1 DP 67858 - DP Map 15

Appendix 1 - Map E



0 250 100 150 200 250
Meters

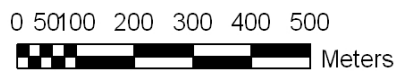


APPENDIX 2:

Proposed Variation 1 to Plan Change 33.

That Lot 1 DP 67858 be included in Appendix 6 to Rule 15.4.6

Appendix 6 - Western Slopes of Tawa Area where Subdivision Rule 15.4.6 applies



Appendix 3

Assessment of Lot 1 DP 67858 for inclusion in Appendix 6 to Rule 15.4.6.
Clive Anstey February 2006.

Review

I have been asked to revisit the site and assess appropriate provisions for an area above the boundary of what was assessed in 2004. My understanding is that this additional area is part of the land owned by West Tawa Development Partnership, the area originally assessed in 2004. All of this additional area falls into the Ridges and hilltops overlay.

It is my view that this additional area should be treated in the same way as the remainder of West Tawa Development Partnership's property; included in Rule 15.4.6 Appendix 6. The majority of the land in question has a very similar character to the remainder of their property, with similar significance as a backdrop to Tawa. The upper boundary does however run immediately below a significant ridgeline so that there would need to be some sensitivity to this in the granting of any consent to subdivide.

I would support the requirement for a 'concept plan' for the property. I have in fact sighted such a plan, prepared by Spencer Homes prior to Plan Change 33, and this could be revisited and updated. I am not qualified to comment on how this might be incorporated into the planning process as a condition of inclusion in Appendix 6.

My earlier comments with regard to logging would apply to the additional area under discussion. The owners could be asked to build the requirements of logging into their 'concept plan'. I see little problem in extracting timber and carting material out from the top of the property; council plantations across the ridge to the west are only 1-2 years younger and logs will need to be carted from there via a similar route. It is my understanding following discussions with Barry Leonard, Forest Manager for GWRC who manages these council forests, that he has been approached by the West Tawa Development Partnership with a view to negotiating an access road. Mr Leonard tells me that he is favourably disposed towards such an arrangement. For the purposes of this report we can therefore safely say that the removal of logs from the back of the property, rather than down through residential Tawa, is possible. A suitable condition would not be unreasonable.