
REPORT 1
(1215/52/IM)

APPROVAL OF DISTRICT PLAN CHANGE 36: NORTHERN GROWTH MANAGEMENT FRAMEWORK REFERENCE

1. Purpose of Report

To report the recommendations of the District Plan Hearing Committee concerning District Plan Change 36 (Northern Growth Management Framework Reference) to Council for approval.

2. Recommendation

It is recommended that the Council:

- 1. Approves the recommendations of the District Plan Hearing Committee in respect of District Plan Change 36 (Northern Growth Management Framework Reference) as attached in Appendix One.*

3. Comment

The Northern Growth Management Framework (NGMF) adopted by the Council in October 2003 provides a strategy for the future development of the northern suburbs of Wellington City. It establishes a set of growth management principles and an implementation programme for planning urban expansion. The aim is to attain the vision of integrated, liveable, sustainable and prosperous communities.

The implementation of the NGMF has been ongoing. With regard to the District Plan the Strategic Planning and Policy Committee, in December last year, endorsed proposals to establish a direction for the rezoning of existing rural land in the northern suburbs. This direction involves the development of a new urban development zone, with structure plans, for the management of new urban development.

In the interim, before the introduction of more comprehensive District Plan provisions it was agreed that Proposed Plan Change 36 be notified to provide appropriate policy references to the NGMF in the District Plan. This would assist the processing of any new resource consent applications, particularly for subdivision and earthworks that might be made in the meantime. Plan Change 36 would enable the assessment of applications with reference to the NGMF.

Plan Change 36 was notified on 18 June 2005 and attracted 11 main submissions and 3 further submissions. Most submitters supported the proposals in principle although various additions and amendments were requested to the wording of the policy provisions and accompanying explanations. There were no submissions in opposition.

The hearing of submissions was held on 5 October 2005. On the Hearing Panel were Councillors Foster and Wade-Brown. Following deliberations the Panel has recommended that Proposed Plan Change 36 be adopted with some of the wording changes requested by submitters.

The full discussion and recommendations of the Hearings Commissioner is attached in the hearing report.

The Council is now obliged to confirm the recommendations. If the recommendations are not accepted, either in whole or in part, it would be necessary for the Plan Change to be heard anew or a fresh Plan Change process initiated.

Once the recommendations are confirmed by Council, the decision will be publicly notified and served on the submitters. Submitters have the option of appealing the decision to the Environment Court within 30 working days. If no appeals are made the Plan Change will become operative.

Report from: Brett McKay, Manager, Planning Policy

Supporting Information

1) Strategic Fit / Strategic Outcome

The District Plan supports a wide range of strategic outcomes particularly under the Built Environment and Transport KAA's.

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 account of the principles of the Treaty of Waitangi (refer: Section 8 Resource Management Act 1991). The Wellington Tenth Trust and Ngati Toa were contacted about this Plan Change, but neither submitted on it.

4) Decision-Making

This report asks the Council to approve the recommendations of the Hearings Committee that considered the submissions and Officers Report.

5) Consultation

a) General Consultation

Consultation was undertaken with key landowners, community associations and statutory bodies as required under the RMA.

b) Consultation with Maori

Noted above.

6) Legal Implications

Legal review of provisions carried out.

7) Consistency with existing policy

The proposals are consistent with the Northern Growth Management Framework.

REPORT OF THE HEARING COMMITTEE

SUBJECT: PROPOSED DISTRICT PLAN CHANGE 36: NORTHERN GROWTH MANAGEMENT FRAMEWORK REFERENCE

COMMITTEE MEMBERS: CRS FOSTER AND WADE-BROWN

DATE OF DELIBERATIONS: 5 OCTOBER 2005

1. RECOMMENDATIONS

The Hearings Committee recommends that the Council:

1. Approves Proposed District Plan Change 36 as set out in the Public Notice on 18 June 2005, subject to the following:
 - a. That the submission from E Hawkins be accepted in part and that additions and amendments to Policies 4.2.1.1(a) and 14.2.1.1(a) and the second paragraph in the associated explanatory statement as shown on the annotated copy of the Change provisions appended to this report be accepted.
 - b. That the submissions from the Department of Conservation and Greater Wellington Regional Council be accepted in part and that the words ' which recognise and protect ecological values, and are' replace the word 'and' in the second to last line of the explanatory statement to Policies 4.2.4.2 and 14.2.4.1 as shown on the annotated copy of the Change provisions appended to this report.
2. Accepts or rejects all other submissions and further submissions to the extent that they accord with Recommendation 1 above.

2. BACKGROUND

District Plan Change 36 was promulgated to give some weight to the Northern Growth Management Framework (NGMF) in statutory processes through the inclusion of references to the NGMF in the policy section of the Plan. The Committee noted advice that the change is intended as an interim measure, and that the Planning Policy team is undertaking further work to develop more detailed Plan Change measures including use of Structure Plans, to fully implement the NGMF. The Committee is strongly of the view that notifying zoning changes concurrently with associated structure plans is the best means of ensuring that the principles and values of the NGMF are upheld. A further plan change is to be notified by June 2006.

A total of 11 main submissions and 3 further submissions were received on the change. Most were in support of the proposals while others made general comments or requested various additions or amendments to the wording of the policy provisions.

3. ASSESSMENT OF SUBMISSIONS

A representative from Truebridge Callender Beach appeared at the hearing on behalf of **J and MJ Walsh, Woodridge Estate Ltd, Lincolnshire Farm, Best Farms, Belvedere Lands Ltd and Ngaio Forest Suburb Ltd**). The Committee was advised that these submitters support the NGMF and Plan Change 36. They commented on the extensive public consultation in development of the NGMF and urged that the NGMF be fully implemented. The submitters request was that Plan Change 36 be implemented as notified.

The Committee agreed with the importance of ensuring that the NGMF is fully implemented and accepted that as an interim measure Plan Change 36 would ensure that the principles of the NGMF are kept to the fore in any development proposals made before more comprehensive provisions are introduced.

Spencer Holmes Ltd representing **West Tawa Development Partnership** also supported the proposed Plan Change as notified. They submitted that specific provision needed to be made in the District Plan to recognise the intention to expand the residential and rural residential footprint of the city in areas specified in the NGMF. They also submitted that low density rural/residential subdivision adjacent to residential areas can promote greater retention of biodiversity than commercial rural activities.

The Committee noted that there are widely varying levels of vegetation retention in the rural area and to the extent possible, biodiversity retention should be promoted rather than compromised in any future development. Plan Change 36 would assist in this regard. This report returns to that point on a number of occasions as it was a common theme from several submitters.

The **Glenside Progressive Association** supported the NGMF and Plan Change 36 in general but expressed concerns that when consents are considered the principles of the NGMF may be lost or not fully complied with. They submitted that if the principles, vision and values of the NGMF are complied with fully then growth can be achieved sustainably. The Association was particularly concerned that there be no loss of natural and at landscape values. They particularly cautioned that the Plan Change *'must not be taken by Council or developers as simply a mechanism to obtain resource consents for residential subdivisions on rurally zoned land without taking full cognisance of the NGMF principles.'*

The Committee agreed with these sentiments and noted the urgency of getting more comprehensive zoning and structure plan requirements in place to ensure that the principles, vision and values of the NGMF are adhered to.

The Association also commented that the maps in the NGMF are not of sufficient definition to show clearly which areas are contemplated for rezoning. They suggested an appendix map in the District Plan. The Committee sympathised with this request for greater certainty for all parties, but considered that this was not able to be done at this time, and that this would need to be part of the proposed further Plan Changes. It recommends accordingly.

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Comment was also made on other matters such as notification processes which the Committee noted were outside the scope of Plan Change 36.

The **Horokiwi Community Association** expressed concern that Plan Change 36 was proposed as an interim measure and that there would be delays in fully implementing the NGMF proposals including amendments to the Subdivision Design Guide and Code of Practice for Land Development. They were also concerned that the values and principles of the NGMF might be compromised by developments that might not adhere to those principles. They recommended adopting the entire NGMF.

The Association also noted that the conceptual maps contained in the NGMF are not sufficiently clear to be used for zoning purposes. Furthermore they were concerned that there is an apparent overlap between land included in the NGMF area and land included in the Horokiwi Community Plan area.

The Committee noted these concerns but accepted that mapping issues could not be addressed through Plan Change 36. They would be addressed as part of future comprehensive rezoning and structure plan proposals that are currently under development. The Committee wished to assure the Association that they would be consulted on the future proposed plan changes.

The Department of Conservation and Greater Wellington (Regional Council) conditionally supported the proposed Plan Change. They sought that subdivision be encouraged to protect ecological values. They sought specific changes that the last paragraph to the explanations to policies 4.2.4.2 and 14.2.4.1 be amended to include 'which recognise and protect ecological values.'

The Committee acknowledged the importance of the 'green' and 'blue' corridors and protection of important ecological values as key principles in the NGMF. The Committee did not concur with the officer's report that suggested these issues would be covered adequately by the term 'well designed subdivision.' It further noted the officer's report also commented that no disadvantages would result from including the requested amendment. Therefore the Committee agreed with the request from the Department and from Greater Wellington.

Mr E Hawkins from Bing Lucas Drive generally supported the NGMF and Plan Change but suggested a number of wording changes.

He was concerned that Policy 4.2.1.1(a) and 14.2.1.1(a) should be amended to include the words '*subject to the requirements agreed for ridgelines and hilltops.*' The Committee felt that the protection of significant landscapes as outlined in Plan Change 33 was consistent with the principles of the NGMF. It specifically noted the section on valuing and protecting the landscape and ecology of the area (page 17 of NGMF) in particular '*Significant hilltops and ridgelines will be left intact,*' and also '*The Outer Green Belt will be preserved and extended where possible,*' and '*Development will not be allowed to impinge on important natural features.*'

Consequently the Committee was inclined to accept the submission although it was considered that the word '*agreed*' should not be included, because some elements of Plan Change 33 are still under appeal.

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Mr Hawkins also suggested wording changes to the explanation to Policy 4.2.1.1(a). He suggested adding '*and to the east of Tawa*' after *Makara and Ohariu Valley*', in the first paragraph. The Committee rejected this suggestion as it would not be correct. The Outer Green Belt is specifically defined as being on the western side of the city. The committee noted that as yet there is no formal green belt to the east of Tawa.

The submission also suggested a set of minor wording amendments to the second paragraph of the explanation to Policy 4.2.1.1(a) and 14.2.1.1(a). In the Committee's opinion these are better, more correct wordings than the original Plan Change wording and the Committee recommends accepting these suggestions. The amendments are annotated on the Plan Change proposals attached to this report.

The Pritchard Group, on behalf of **W Moore, PJ Willis, NE and BT Wood and TB Ross Wood** the owners of a property on Horokiwi Road, supported by the **Curmugeonly Trust** requested that the Plan Change clarify the area to which the NGMF applies to provide greater certainty for development and in particular that their land (Pt Sec 9 Horokiwi Road District) be included within the NGMF area and be identified as suitable for rural residential development.

The submission also sought a change to Policy 14.2.1.1 to add '*and by allowing development and subdivision that provides new opportunities and a range of lifestyle choices.*'

The submitters also sought changes to the explanation of Policy 14.2.1.1 consistent with above, and the addition of an entirely new policy and explanatory text to provide for rural residential areas as a transition between proposed residential and larger scale rural areas.

This submitter did not attend the hearing so was unable to be questioned.

The Committee agreed with the need for an appropriate and usable map, because the NGMF map is only indicative. This would be addressed in the proposed future plan changes for the area given that there is insufficient detail at this stage. However, the Committee noted that the submitters land is on the eastern side of Horokiwi Road and outside the NGMF area.

The Committee also did not agree with the addition of the requested policy change. It noted that the NGMF indicative map suggests that there is likely to be some rural residential development. However, it does not discuss the rationale for such development. The suggested change also would possibly undermine the principle of urban containment. Accordingly the Committee felt it inappropriate to change the plan at this juncture, especially given the intention to notify a more comprehensive plan change by June 2006.

The Committee was of the view that it was not the purpose of Plan Change 36 to address zoning or land development issues that were more relevant to the planning of the Horokiwi area already dealt with under Plan Change 33. Accordingly the whole submission from the Pritchard Group was not accepted.

CONCLUSION

The Committee carefully considered all the submissions. There was general agreement with the Plan Change and with incorporation of the NGMF into the District Plan. However it seemed to the Committee fairly clear that different submitters had different views as to what incorporating the NGMF would actually mean. Some submitters seemed to conceive of the Plan Change as merely facilitating development. The Committee however agreed with those submitters who supported the facilitation of development, but equally wanted to ensure that any development is done in keeping with the principles, vision and values of the NGMF. Consequently the Committee has accepted a number of submissions which reinforced the principles, vision and values.

The Committee also wished to highlight that work has been initiated on proposals for the comprehensive rezoning of land within the NGMF area to manage new urban development in accordance with approved structure plans. These proposals, when notified, will address many of the concerns expressed by submitters through the Plan Change 36 regarding the implementation of the NGMF. Submitters to Plan Change 36 will have the opportunity to be involved in this process.

Committee Chair: Cr Andy Foster

PROPOSED DISTRICT PLAN CHANGE 36:
NORTHERN GROWTH MANAGEMENT FRAMEWORK
REFERENCE

**ANNOTATED CHAPTERS OF THE OPERATIVE
DISTRICT PLAN INCLUDING PROPOSED DISTRICT
PLAN CHANGE PROVISIONS**

Key to annotated text

- Proposed new text to be added as part of the draft proposed plan change is underlined
- Existing text (Operative District Plan) to be deleted is ~~struck through~~
- Text to be altered/added by Plan Change 33 (still under appeal) is highlighted grey. The text has been added (and highlighted) for information purposes only and does not form part of this Plan Change.
- Additions or amendments recommended by the Hearing Committee are included in **bold** italics and underlined

4. RESIDENTIAL AREAS

[...]

4.2 Residential Objectives and Policies

OBJECTIVE

4.2.1 To promote the efficient use and development of natural and physical resources in Residential Areas.

POLICIES

To achieve this objective, Council will:

4.2.1.1 Encourage new urban development to locate within the established urban areas.

4.2.1.1(a) Provide for areas of anticipated future growth as identified in the Northern Growth Management Framework, in accordance with the values and principles of the Framework *subject to the requirements for ridgelines and hilltops.*

METHODS

- Rules
- Operational activities (management of infrastructure)
- Other mechanisms (Northern Growth Management Framework)

The existing urban area of Wellington City is contained by the surrounding hills and particularly the Outer Green Belt that separates the urban area from the main rural areas of Makara and the Ohariu Valley. Council intends to contain urban development by the Outer Green Belt as it is considered that continued expansion beyond the Outer Green Belt will not promote sustainable management.

*In 2003, the Council completed a comprehensive planning review of the future development of the northern part of the City between Newlands and Johnsonville in the south and Porirua to the north. The resulting Northern Growth Management Framework provides the communities, landowners, developers and Wellington City Council with a set of ~~agreed~~ **strategic** goals and ~~an agreed process~~es for urban expansion. This includes the identification of **some** areas currently zoned rural that **may be** ~~are~~ considered suitable for residential development and which will strengthen existing communities. Rezoning of areas ~~earmarked~~ **determined suitable** for new urban development ~~will~~ **may** be undertaken by way of future plan changes.*

The edge of the urban area of the city is defined by the interface between the Outer Residential Area and nearby Rural and Open Space Areas. Council generally intends to contain new development within the existing urban area, as it considers that continuously expanding the city's edges will not promote sustainable management. Expansion beyond the existing urban form will only be considered where it can be demonstrated that the adverse effects, including cumulative effects, of such expansion can be avoided, remedied or mitigated. Applying more flexible rules to encourage more mixed-use activity and allow for more intensive building development will help keep the city compact.

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The environmental results will be that the city's development occurs in a manner which will reduce transport distances, make public transport systems more viable, and make better use of existing and intended infrastructure.

[...]

- 4.2.4.2 Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that if land is developed, it is developed in a way that will lead to neighbourhoods which have a high amenity standard and which are adequately integrated with existing and intended infrastructure.**

METHODS

- Rules
- Design Guides
- Other mechanisms (Northern Growth Management Framework)

The District Plan Maps identify the extent of urban (primarily residential) areas on the basis of existing residential and suburban centre development and land subject to current subdivision consents. In accordance with the purpose of sustainable management, the aim is to provide for the intensification of land use within the urban area and potential growth areas as identified within the Northern Growth Management Framework to accommodate, where adverse effects can be avoided, remedied or mitigated, the orderly development of new subdivisions on the fringes of the existing urban area.

~~In most circumstances, greenfield~~ Greenfield subdivision ~~will~~ may be considered as part of a District Plan change to extend the urban area. ~~This enables~~ However, the full effects of the potential development ~~to~~ can be assessed according to the Assessments will include the design of the subdivision, its impact on the natural and physical environment, and constraints (such as natural hazards) imposed by the environment, which may be identified by mechanisms such as the Northern Growth Management Framework.

*The environmental result will be a ~~more~~ compact city and, where approved, the development of new subdivisions that are well designed, ~~and~~ **which recognise and protect ecological values, and are** integrated with existing and intended infrastructure.*

14. RURAL AREA

[...]

14.2 Rural Area Objectives and Policies

OBJECTIVE

- 14.2.1 To promote the efficient use and development of natural and physical resources in the Rural Area.**

POLICIES

To achieve this objective, Council will:

- 14.2.1.1 Encourage new urban development to locate within—the established urban areas.**

14.2.1.1(a) Provide for areas of anticipated future growth as identified in the Northern Growth Management Framework, in accordance with the values and principles of the Framework *subject to the requirements for ridgelines and hilltops.*

METHODS

- Rules
- Design Guide (Rural Area)
- Operational activities (management of infrastructure)
- Other mechanisms (Northern Growth Management Framework)

The existing urban area of Wellington City is contained by the surrounding hills and particularly the Outer Green Belt that separates the urban area from the main rural areas of Makara and the Ohariu Valley.

Council intends to contain urban development to the east of the Outer Green Belt. Within the rural area to the east of the Outer Green Belt the Council will support well designed rural residential development in identified locations (shown on Appendices 4 to 7 in Chapter 15) on the city fringe if it can be demonstrated that this will promote sustainable management. In many of these areas steep slopes or difficult access will need to be overcome before consideration will be given to allowing rural parcels of land on the edge of the city to be subdivided. In general such sites will only be appropriate for a lower density of residential development than that allowed in residential areas. An assessment will need to be made on a case by case basis, with the Council seeking a high standard of design through the assessment of proposals against the Rural Area Design Guide.

In 2003, the Council completed a comprehensive planning review of the future development of the northern part of the City between Newlands and Johnsonville in the south and Porirua to the north. The resulting Northern Growth

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*Management Framework provides the communities, landowners, developers and Wellington City Council with a set of agreed **strategic** goals and an agreed processes for urban expansion. This includes the identification of **some** areas currently zoned rural that **may be** are considered suitable for residential development and which will strengthen existing communities. Rezoning of areas earmarked **determined suitable** for new urban development will **may be** undertaken by way of future plan changes.*

The edge of the urban area of the city is defined by the interface between the Outer Residential Area and nearby Rural and Open Space Areas. Council generally intends to contain new development within the existing urban area, as it considers that continuously expanding the city's edge will not promote sustainable management. Expansion beyond the existing urban form will only be considered where it can be demonstrated that the adverse effects, including cumulative effects, of such expansion can be avoided, remedied or mitigated.

However, the Council recognises that some parts of the Rural Area are more likely to be suitable than others for future urban development. In particular, the land east of the motorway generally north of Newlands and south of Grenada North known as Lincolnshire Farm is a strategic resource for the future development of the city given its central location in the greater Wellington area, topography and access to infrastructure. Historically parts of this land have been identified for possible future urban growth. This land also has ridgelines and gullies with significant natural and landscape values which must be protected.

The environmental result will be that the city's development occurs in a manner which will reduce transport distances, make public transport systems more viable and make better use of existing and intended infrastructure.

[...]

OBJECTIVE

14.2.4 To ensure that the adverse effects of new subdivisions in the Rural Area are avoided, remedied or mitigated and that subdivision is consistent with the approach to containment of the urban area in this Plan.

POLICIES

To achieve this objective, Council will:

14.2.4.1 Control greenfield subdivision initiated in the Rural Area to ensure that adverse effects are avoided, remedied or mitigated and that if land is developed, it is developed in a way that will lead to neighbourhoods which have a high amenity standard and which are adequately integrated with existing and intended infrastructure.

METHODS

- Rules
- Design Guide (Rural Area and Subdivision)
- Other mechanisms (Northern Growth Management Framework)

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The District Plan Maps identify the extent of urban (primarily residential) areas on the basis of existing residential and suburban centre development and land subject to current subdivision consents. In accordance with the purpose of sustainable management, the aim is to provide for the intensification of land use within the urban area and potential growth areas as identified within the Northern Growth Management Framework to accommodate, where adverse effects can be avoided, remedied or mitigated, the orderly development of new subdivisions on the fringes of the existing urban area.

~~In most circumstances, greenfield~~ Greenfield subdivision ~~will~~ may be considered as part of a District Plan change to extend the urban area. ~~This enables~~ However, the ~~full~~ effects of the potential development ~~to~~ can be assessed according to the ~~Assessments will include the~~ design of the subdivision, its impact on the natural and physical environment, and constraints (such as natural hazards) imposed by the environment, which may be identified by mechanisms such as the Northern Growth Management Framework.

*The environmental result will be a ~~more~~ compact city and, where approved, the development of new subdivisions that are well designed, ~~and~~ **which recognise and protect ecological values, and are** integrated with existing and intended infrastructure.*