



# ***Council Decision on Proposed District Plan Change 60***

**Churton Park Suburban Centre rezoning**

8 March 2008



## REPORT OF THE HEARING COMMITTEE

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**SUBJECT:** PROPOSED DISTRICT PLAN CHANGE 60 - REZONING OF THE CORNER OF WESTCHESTER DRIVE AND LAKEWOOD AVENUE FROM OUTER RESIDENTIAL TO SUBURBAN CENTRE

**COMMITTEE MEMBERS:** COUNCILLORS LEONIE GILL, RAY AHIPENE-MERCER AND JOHN MORRISON

**DATE OF HEARING:** 18 DECEMBER 2007 AND 30 JANUARY 2008

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### 1. RECOMMENDATIONS

- 1) *That Council approves the recommendations of the District Plan Hearing Committee in respect of Proposed District Plan Change 60 as set out in Appendix 1 to this report.*
- 2) *To accept or reject all the submissions and further submissions to the extent that they accord with recommendation (1) above. See sections 3.1 - 3.2 below for further details.*
- 3) *That the timeframe for receiving the officers' report prior to convening of the hearing be reduced from 5 working days to 4 working days, pursuant to section 37(1)(b) of the Resource Management Act 1991.*
- 4) *Direct Council officers in City Communities to undertake the following work as a result of issues raised through submissions on proposed District Plan Change 60:*  
  
*“Undertake a needs analysis for Community Centre facilities for Churton Park and Glenside and report recommendations to Council in the 2008/2009 financial year.”*

### 2. INTRODUCTION

This decision relates to the Council initiated Proposed District Plan Change 60 – Rezoning of the corner of Westchester Drive and Lakewood Avenue, Churton Park from Outer Residential to Suburban Centre, which was publicly notified on 13<sup>th</sup> September 2007.

The development of Proposed Plan Change 60 included public consultation through the Northern Growth Management Framework and subsequent community engagement via a leaflet drop to every household in the suburb.

The Northern Growth Management Framework *Implementation Programme 2003*, advocates under the Theme: Accessibility, A3 on page 7 to ‘*Develop a Small Neighbourhood Centre at Churton Park-*

*The council will work with the landowner to promote a zone change in the District Plan to permit a suburban centre to be established. A site on Westchester Drive has been identified as a likely location.’*

Based on this adopted Council policy, the subject site was confirmed through further investigations as the preferred site and Plan Change 60 was prepared. However, rather than simply adopting the current District Plan zone policies and rules for the suburban centre zone, specific policies and rules were drafted to better manage development of and effects arising from development the site.

The Officer's Report together with recommendations following submissions on the Plan Change was distributed to all submitters and further submitters prior to the hearing. Some submitters who wished to be heard received the report 4 working days prior to the hearing, rather than the required statutory 5. The Committee considered this matter at the beginning of the hearing and decided that given the report was not exhaustive and there was an intervening weekend, giving in total 6 days with the report, submitters were not disadvantaged and the timeframes were acceptable. Furthermore, submitters had been given twice the required notice of the hearing date and therefore had plenty of forewarning to set aside time to prepare for the hearing.

The hearing was held at Council Offices over two days on the 18<sup>th</sup> of December 2007, and reconvened on the 30<sup>th</sup> January 2008 in order to accommodate submitters who wished to be heard.

Six main submissions and eight further submissions were received in respect of Plan Change 54. Three main submissions and one further submission were received in respect of Plan Change 55.

At the hearing on 18<sup>th</sup> December 2007, Kathryn St Amand (Council's Planner), spoke to the officer's report on the Plan Change and John Boot (Council's Drainage Engineer) provided advice on storm water management issues. The following six submitters appeared and spoke to their submissions –

**S5 Kathryn Henderson;**

**FS4 Roger Whittaker;**

**S6 Stebbings Farmlands Ltd** (represented by Peter Coop and Rodney Callendar);

**S10 Greater Wellington Regional Council** (represented by Ling Phang and John Morrison); and

**S8 Jill Peterson, Irene Peterson, Margaret McKay, Joyce Corrick, David McNickle and Phillippa Sherriff** (represented by Jill Peterson, Margaret McKay and David McNickle).

At the reconvened hearing on the 30<sup>th</sup> January 2008, submitter **S1 Churton Park Community Association** (represented by Roger Ellis and Ed Crampton CPCA President) appeared and spoke to their submission.

The Committee gave careful consideration to all the issues raised by the submissions and the issues elaborated on in presentations by the submitters who appeared.

The following discussion sets out the key issues and the Committee's reasons for making its decision.

### **3. SUBMISSIONS AND DISCUSSION**

#### **3.1 Submissions**

Submissions were received from:

<b>No.</b>	<b>Name</b>	<b>Support/Oppose</b>
1	Churton Park Community Association	Support
2	Moorcroft Trust, C/- Stephen Grant Mairs	Support
3	Michael Gordon Russell	Support
4	Melanie Murray	Support
5	Kathryn Kincaid Henderson	Support in part
6	Stebbins Farmlands Ltd.	Support
7	Wellington City Council	Support
8	Jill and Irene Peterson; Margaret McKay; Joyce Corrick and David McNickle; Phillippa Sherriff	Oppose
9	Lynne Katrina Dellow and Stephen John Scott as Trustees	Oppose
10	Greater Wellington Regional Council	Support in principal
11	David Ingram	Oppose
12	Alison Lavin	Oppose
13	Warren and Sandra Pringle	Oppose

Further submissions were received from:

<b>No.</b>	<b>Name</b>	<b>Support/Oppose</b>
FS1	Stebbins Farmlands Ltd	Oppose S10
FS2	Greater Wellington Regional Council	Support S7
FS2	Greater Wellington Regional Council	Oppose S6
FS3	Kath Henderson	Support S4, 8, 9, and 10
FS3	Kath Henderson	Oppose S6, 11, 12, 13
FS4	Roger and Maryanne Whittaker	Support S5 with amendments
FS5	Philip and Julie-Anne Dyer	Supports S1 , 2, 3
FS6	Hokio Holdings Ltd	Support all submissions in general support
FS6	Hokio Holdings Ltd	Oppose all submissions that seek constraints

The submissions raised support or objection to Plan Change on the following issues:

1. Appropriateness of the site for other uses
2. Need for a shopping centre
3. Need for a community centre
4. Social problems related to a shopping centre
5. Concern over medium density housing, and need for it
6. Noise and disturbance
7. Traffic safety and public transport
8. Appearance of buildings
9. The W4 Designation

10. Storm water
11. Earthworks
12. Technical issues with wording of rules and parts of the Concept Plan

Two submitters also raised concern about the consistency of advice tendered by Council over the years on the allowable use of the subject site and Council policy surrounding that.

### **3.1.1 Council Policy on use of the site**

Submitters 8 (Jill and Irene Peterson, Margaret McKay, Joyce Corrick and David McNickle, and Phillippa Sherriff) and 9 (Lynne Katrina Dellow and Stephen John Scott as Trustees) raised concern that when purchasing their properties on Westchester Drive and Lakewood Ave, they were advised the vacant land on the corner was zoned Residential and there were no plans it to be changed.

Submitter 8, Jill Peterson and Margaret McKay elaborated on these concerns at the hearing, tabling a letter from Council dated 21<sup>st</sup> March 2006, wherein it is stated that *“As per the attached leaflet, it has for many years been Council policy that there should be some form of Centre for Churton Park on this site”*. The leaflet referred to is thought to have been related to the Northern Growth Management Framework, or the subsequent consultation carried out.

#### **Consideration:**

The Hearing Committee noted the concerns raised by these submitters and any confusion caused by the apparent shift in advice coming from Council.

The Committee would like to clarify for submitters the timeframes around policy changes affecting the land in question.

For the nine years between 1994 and 2003, when the now operative District Plan was first publicly notified in 1994 and the Northern Growth Management Framework was adopted, there was no Council policy (regulatory or otherwise) to use the site at the corner of Westchester Drive and Lakewood Avenue for retail or any other commercial purpose. Any advice given out by Council during this time should have referred to the land as being zoned for residential purposes with no other operative Council policy in place looking to change that.

This of course changed subsequent to October 2003 when the Northern Growth Management Framework was adopted by Council. The Framework confirms a need for a suburban centre and indicates the subject corner site as being the most likely candidate.

The planning zone, and hence regulatory policy, applying to the land however remained ‘Outer Residential’ until this current proposed Plan Change 60 was publicly notified on 13 September 2007.

Considering the above, the Committee do not consider that misleading advice has been given out by Council. Furthermore, Council policies regarding the subject site have only changed following significant public consultation and engagement, thus plenty of information has circulated about potential shifts in policy direction prior to those policies being adopted.

#### **Decision:**

**Reject** submissions 8 and 9 insofar as they raise procedural issues regarding advice given out by Council over the land uses supported or allowed at the corner of Westchester Drive and Lakewood Avenue.

### **3.1.2 Appropriateness of the site for other uses**

Submissions 4, 8, 9 and 13 consider that either the site is not suitable for the proposed use or that a new primary school for Churton Park should occupy the site instead. Submissions 8

and 9 suggest a better place for the proposed neighbourhood centre would be further along the proposed Westchester Drive extension and the subject site retained for residential purposes.

### **Consideration:**

The Hearing Committee considered that a significant amount of research has been carried out that confirms the site as being suitable for the proposed suburban centre use, subject to environmental concerns being appropriately managed. Evidence has been provided through officer reporting and the section 32 report that the site can be developed in a way which, whilst introducing change to the immediate environment, all relevant environmental effects can be appropriately managed.

The Committee noted that it did not have any jurisdictional ability to influence where a primary school would be located and the Ministry of Education has chosen a different site on Amesbury Drive for a new school.

The Committee notes the following attributes of the site as confirming its suitability for a proposed suburban centre zone:

- Accessibility by public transport and new roading connections to State Highway 1
- Central location within the growing Churton Park and Stebbings Valley Greenfield suburban area
- Close proximity to the most likely primary school site
- Size of the land area of the site, with room to accommodate more than just commercial or retail activities (i.e. community centre, medium density housing)
- Corner site location with two road frontages
- Limited number of immediately adjoining residential properties
- Environmental effects are able to be managed on the site including those relating to amenity values, traffic, urban design (appearance of buildings and site layout), size of buildings, noise, light, earthworks and the stream.

### **Decision:**

**Reject** submissions 4, 8, 9 and 13 insofar as they oppose the use of the site for the proposed suburban centre zone and subsequent permitted land uses.

### **3.1.3 Need for a shopping centre**

Submissions 1, 2, 3, 4, 5, 6 and further submissions 4, 5 and 6 all support the need for a shopping centre at the proposed location, whereas submissions 11, 12 and 13 oppose the need for a shopping centre suggesting it will not be viable and calling for the proposed Plan Change to be dismissed.

Submissions in opposition point out that other centres within 5 minutes drive of Churton Park, such as Johnsonville, adequately fulfil the local shopping needs of residents. The submitters also raised concerns that the viability of the proposed centre was questionable and the centre would end up being a mistake like the Newlands centre.

### **Consideration:**

The Hearing Committee noted the location of other nearby suburban shopping areas but did not consider these to provide a satisfactory place where social interaction of local Churton Park dwellers could take place. The Committee took the view that with the current size and anticipated future growth of Churton Park, both the social and economic needs of the suburb require better management. The Committee agreed with the points raised in the officer's report that research through the Northern Growth Management Framework and commissioned by Council and undertaken by DTZ Research, *Research Report: Northern Growth Area Retail Study, July 2006*, identified a need for a shopping centre based on population growth, demographics and existing retail expenditure from the area. The

Committee considered the proposed site and proposed mix of activities was in keeping with the findings of the DTZ report. Further, the Committee noted that a centre could be provided without compromising other centres such as at Johnsonville

After also considering submissions and further submission in support of introducing a shopping centre, the Committee noted points raised by FS5 (who's company has performed precinct analysis on Churton Park), which confirmed the suburbs ability to absorb a mixed use retail shopping centre.

The Committee shared the view held by several submitters and the Council officer that the majority of residents from the area, who have voiced an opinion on the idea of a shopping centre, are favourable disposed to it.

On balance the Committee considered there was more evidence supporting the need for the establishment of a suburban shopping centre in Churton Park, thus also considered it was appropriate to uphold the findings of the Northern Growth Management Framework 2003 in this regard and confirm an appropriate District Plan zone a shopping centre.

**Decision:**

**Reject** submissions 11, 12 and 13 insofar they oppose the need for a shopping centre at the proposed location.

**Accept** submissions 1, 2, 3, 4, 5, 6 and further submissions 4, 5 and 6 insofar as they support the need for a shopping centre at the proposed location.

**3.1.4 Need for a Community Centre**

Submissions 4 and 5 and FS3 request that a community centre be made a mandatory part of the concept plan. Submission 1, from the Churton Park Community Association, also raised this possibility.

Further, submissions 8 and 9 and FS3 identify that the concept plan proposed with this Plan Change differs from original concepts consulted on with the Community, which included a community centre. The main request of these submitters is for a community centre to be included as part of the development.

The Committee heard from S5 and FS3, Kathryn Henderson, who raised the following points to support her submission. Ms Henderson stressed that the opportunity should be taken now to include provision for a community centre given that provision is being made for non-residential activities; that public engagement to this point had lead people, herself included, to believe a community centre would be made part of any development of the site, whereas the plan change did not now provide for this; stressed the need to ensure that community activities be grouped with other activities in a place that is accessible to all members of the community, and this site with the co-development of shops represented the best opportunity Churton Park is likely to see; and lastly that Churton Parks' growing population now demanded facilities to cater for the needs of various people and groups in the community and provided an example in her submission of a small community hall that she thought would service this need.

Submitter 1, Churton Park Community Association, also elaborated on their submission at the hearing, confirming their view that a community centre should be made a mandatory part of the development and a hall of approximately 140-180m<sup>2</sup> in area would fulfil that requirement. The Association explained they had begun looking into a needs analysis to confirm exactly what sort of facilities would be required, but decided it was more the domain of the Council to assist with that complex task. The full views of the Association were tabled in a written statement.

### **Consideration:**

The Committee considered the submissions and information presented at the hearing on this matter, and during deliberations took the time to review The Northern Growth Management Framework 2003 and Implementation Programme. The Committee did not find any information in the Framework indicating that a community centre was either being proposed or advocated for Churton Park, rather Newlands was the only suburb where such an initiative was being advocated. The Committee also studied the questionnaire circulated to all homes during 2006, but again could not find any evidence of a community centre initiative being proposed or supported. In particular the Committee noted that the list of activities provided for on the brochure that the centre might contain, and which people were asked to consider and tick the ones they supported, did not include a community centre option. Accordingly the Committee could find no evidence that during consultation leading up to the Plan Change proposal a community centre was being advocated by Council. In this regard, the Committee could not agree with the submitters perspectives that earlier consultation documents included provision of a community centre.

The Committee was however sympathetic to calls from the community for such facilities, though noted the Council officer's advice that under the present zoning such an activity would be a Discretionary land use activity, whereas under the proposed Plan Change community facilities would be a permitted activity land use. The Committee considered this represented a positive shift in terms of land use policy that goes some way to ameliorating the submitters' concerns.

The Committee was mindful that a full needs analysis has not been carried out and until results of such a study were available, Council was not in a position to propose funding for such a community facility either through the Annual or Long Term Council Community Planning processes. The Committee was also mindful that Council could not require the developer of the land to provide a community centre as a development contribution and bore in mind comments made by the Council Planning officer at the beginning of the hearing that development contributions from the continued development of the Churton Park and Stebbings Valley areas could be taken to help provide funding for such community facilities, but only once a needs analysis determined what the contributions should go towards. The Committee was advised that a needs analysis project was not on the Council's agenda until at least the end of 2009, or later.

The Committee agreed with the officer's report that the proposed suburban centre site represented a potential place for a community centre, but did not go so far as to agree with submitters that it would definitely represent the best and potentially only opportunity. Rather, the Committee considered that a needs analysis should ultimately determine what was required and where. Having come to that conclusion the Committee found it could only agree with the submissions in part. On the strength of submissions the Committee considered an amendment to the proposed policy 6.2.2.7 would further support the inclusion of a community facility should the needs analysis recommend this site, and secondly that it would be most helpful if a needs analysis was carried within the next financial year in order that its findings might coincide with development of the site, which is understood to be planned for the next 2 to 3 years.

### **Recommendation**

**Reject** submissions 1, 4, 5, 8, 9 and FS3 insofar as they request that a community centre be required by the plan change provisions.

**Accept** submissions 1, 4, 5 and FS3, in so far as they consider the plan change site is a possible candidate for a future community centre.

**Recommend** to Council that City Communities undertake a needs analysis for community centre facilities for the Churton Park and Glenside communities, with results reported in the 2008/2009 financial year; and

**Amend** proposed policy 6.2.2.7 in the following way (amendments highlighted)

**Provide for the development of a mixed use neighbourhood shopping centre in Churton Park, which includes a supermarket, and medium density residential activity and (if confirmed through a needs analysis) a community centre or facilities, via implementation of the approved Concept Plan in Appendix 8.**

### **3.1.5 Social problems relating to a shopping centre**

Submissions 11 and 12 believe a commercial centre would attract undesirable social activity to the area, creating problems with rubbish, graffiti and trouble with people/youths gathering/partying in the parking areas.

Submitter 8, represented by Jill Peterson and Margaret McKay also raised similar concerns in their address to the Committee at the hearing.

#### **Consideration:**

The Committee considered the social concerns and noted that in all likelihood, the vast majority of people visiting the centre would be local residents who are already in the area. The Committee also noted the Council Officer's recommendation to these submissions, which is to further enhance Guiding Principle 5.2 of the Concept Plan, Structure and design of public space, so that it includes the need to consider crime prevention and public safety more thoroughly.

The Committee felt that officers had appropriately considered the social issues raised by submitters and agreed with their recommendation.

#### **Recommendation:**

**Reject** submissions 8, 11 and 12 insofar as they oppose the plan change on the basis it will attract undesirable social problems to the area.

**Amend** proposed Guiding Principle 5.2, Structure and design of public space, in the following way (amendments highlighted):

Overall public space needs to provide a pleasant place for people to congregate, be user friendly and well connected to other parts of the centre. The layout and design of buildings and any public space surrounding them need to consider crime prevention and public safety aspects in design, including (but not limited to) lighting, sense of security and the ability for observation over public space areas. Overall public space needs to provide a pleasant place for people to congregate, be user friendly and well connected to other parts of the centre. The design and location of the public space needs to demonstrate all these attributes and show how they will be achieved through design, landscaping, furniture, planting etc.

### **3.1.6 Medium density housing and the need for it**

Submissions 4 and 13 express concern over the inclusion of medium density housing, in particular the quality of it and its place in Churton Park.

#### **Consideration:**

In considering this issue the Committee referred to the aerial photograph made available at the hearing and noted the density of development immediately adjacent and across the road from the plan change site. The properties from 47 to 61 Lakewood Avenue average 376m<sup>2</sup> of land area per dwelling and the properties from 108A to 110B Westchester Drive average 328m<sup>2</sup> of land area per dwelling. Whilst most other properties were developed at a density between 500m<sup>2</sup> and 600m<sup>2</sup> of site area per dwelling, the Committee considered that some pockets of higher density housing would not be significantly out of keeping with the established built character of the immediate area. Further, the Committee noted the officers' recommendation in response to these submissions, to slightly amend the proposed plan change provisions to refer to the more recent design guide for housing development, and considered this was more

in line with current best practice for assessing such developments and would help ensure quality developments.

**Recommendation:**

**Reject** submissions 4 and 13 insofar as they oppose the plan change on the basis that medium density housing would be out of keeping with the immediate area and would detract from Churton Park.

(a) **Amend** proposed Guiding Principle 5.6, Residential Development, so that it refers to the Residential Design Guide (amended text highlighted):

... All residential development, whether stand alone, semi-detached or attached shall be designed in accordance with the ~~multi-unit design guide for residential buildings~~ Residential Design Guide.

**3.1.7 Noise and disturbance**

Submissions 8, 9 and 12 are concerned about the activity levels the centre will bring and the associated noise and disturbance from vehicles, service deliveries and types of activities that would be allowed to establish.

Submitter 8 elaborated on these concerns at the hearing.

**Consideration:**

In considering these matters the Committee considered with the assessment provided in the Council Officers report, that the permitted activity standards for noise under rule 7.1.1 of the suburban centre zone applying to the site would manage effects of noise. However the Committee was still concerned about the submitters' point that delivery vehicles at quiet times of the night would be quite disruptive.

The Committee questioned officers on this matter, in particular regarding the permitted activity conditions existing in the District Plan that would control such noise and delivery times. Officers advised the Committee that delivery times were not currently controlled under existing Plan provisions and that if delivery vehicles did end up posing a noise disturbance that would have to be measured at the time for compliance with District Plan limits.

As this Plan Change would potentially introduce a disturbing night time noise element into the area where site access for delivery vehicles including trucks could potentially be across the road from bedroom windows, the Committee considered additional options for managing such noise and disturbance effects. The Committee considered the existing District Plan permitted activity provisions to be lacking in this regard and further considered that to introduce new permitted activity conditions would be difficult given that site access locations and noise are both uncertain at this time. The Committee therefore considered that some guidance and ability to impose conditions on resource consents over delivery times of day and night would be most helpful in managing noise and disturbance effects. To ensure this, rule 7.3.11 would need to be amended to include discretion over service hours and a corresponding changes and guidance made under Guiding Principle 5.3 Location and layout of parking and servicing.

**Recommendation:**

**Accept** submissions 8, 9 and 12 insofar as they oppose the plan change on the basis that noise and disturbance from delivery vehicles will detract from the amenity values of immediately adjacent neighbours.

**Reject** submissions 8, 9 and 12 insofar as they oppose the plan change on the basis that noise and disturbance from allowing a mixed use development will detract from the amenity values of immediately adjacent neighbours.

**Amend** proposed rule 7.3.11 so that the matters for discretion clearly include servicing hours as follows (amended text highlighted):

**7.3.11 The construction, alteration of, and addition to buildings, structures (excluding signs), and construction of car parking anywhere within the Churton Park Village Concept Plan area is a Discretionary Activity (Restricted) in respect of:**

...

**7.3.11.3 Location and layout of parking and servicing, and servicing hours**

...

**Amend** Guiding Principle 5.3, Location and layout of parking and servicing, by adding the following guidance in a new paragraph (amended text highlighted):

**5.3 Location and layout of parking and servicing, and servicing hours**

...

Service Areas:

...

Applications for all activities requiring or providing service areas will need to provide information about likely service times, what types of service vehicles will frequent the site and which site access will be used. If necessary resource consent conditions may be imposed limiting service delivery hours between the hours of 10pm and 7am all days of the week in order to manage potential noise and disturbance effects to neighbouring or adjacent residential properties and dwellings.

### **3.1.8 Traffic safety and public transport**

Submissions 5, 8, 9, 11, 12 and FS4 have raised issues relating to traffic, seeking that an alternative site be found, traffic issues be more thoroughly dealt with or that the plan change be abandoned altogether on traffic grounds. Submission 10, Greater Wellington Regional Council, has raised issues of the integration of public transport.

At the hearing Submitter 5, Kathryn Henderson, acknowledged the officers response to this aspect of her submission. She was pleased to see the traffic issues had been taken seriously and welcomed the recommended changes to the Plan Change on traffic issues.

Submitter 10, Greater Wellington Regional Council, also acknowledged the officers response to their concerns about public transport and welcomed the recommended changes to the Plan Change on these matters.

Submitters 1, 8 and FS4 all appeared at the hearing and raised ongoing concerns with traffic safety issues, including complications the Westchester Drive extension would bring to the area particularly in light of the proposed zone change. They noted the need for Council to take very seriously traffic management issues, which they considered were poorly executed in the area. In particular FS4, Mr Whittaker, advised the Committee of the several occasions when cars had left the road and crashed through his front fence and into the house – on one of these occasions causing tens of thousands of dollars worth of damage.

#### **Consideration:**

The Committee accepted the need to ensure traffic issues were appropriately managed and generally agreed with submitters who requested that this occur. In this regard the Committee accepted the Council officers' recommendation, which was made following consultation with Councils' Chief Transport Planner, Mr Steve Spence.

Officer's recommend that the concept plan section 4.0 Requirements, include the need to provide a Traffic Engineers Assessment for all proposals involving either pedestrian or vehicle access points. That assessment must consider, amongst other things, an assessment of effects on road safety and whether or not traffic calming measures are required on public roads, appropriateness of vehicle access location, type and volume of traffic use anticipate for each access and how pedestrian access will be facilitated to and from the centre (including crossing

public roads). In addition, amendments were also recommended by officers to Guiding Principle 5.5 in line with the new requirements.

The Committee considered the recommendations made by officers in response to submissions were significant and agreed that amending the plan change provisions as suggested would satisfactorily address submitters concerns and ensure traffic management and safety would be able to be appropriately managed.

**Recommendation:**

**Accept** submissions 1, 5, 8, 9, 11, 12 and FS4 insofar as they object to the lack of traffic management provisions proposed under Plan Change 60.

**Accept** submission 10 insofar as it supports the need to better integrate public transport options.

**Amend** the proposed Plan Change traffic provisions in the following ways (amended text highlighted):

(a) *Amend requirement 9 under section 4.0 Requirements to require that safety aspects of vehicle accesses, vehicle movements, pedestrian access and public roads are fully assessed for developments and findings presented to Council with applications:*

9 There shall be at least one main **vehicle access** providing for entry to and/or exit from the village on each street frontage, in addition to access points for residential activities. The concept plan map shows 2 vehicle accesses on Lakewood Ave but that is indicative only ~~not essential~~. A Traffic Engineers Assessment shall accompany each proposal involving provision of pedestrian access and vehicle access for any purpose. That report shall consider requirements 9 to 12 and 14, and include an assessment of effects on road safety, whether or not traffic calming measures are required on public roads, appropriateness of vehicle access location, type and volume of traffic use anticipated for each access and how pedestrian access will be facilitated to and from the centre (including crossing public roads). Each vehicle access shall be landscaped to assist the legibility of the village in finding the access points and also to assist pedestrians. ~~Additionally, residential development shall have separate or individual vehicle accesses.~~

(b) *Include a new requirement for Public Transport, under requirement 13, to require that public transport facilities be integrated into the centre's design:*

14 **Public transport** must be facilitated by including cycle racks in a priority location near village entrances, providing integrated pedestrian links to bus stops, and by providing sufficient room adjacent to bus stop locations to allow for public shelters to be constructed. Cycle racks, pedestrian links and proposed or indicative shelters shall be shown on plans accompanying development proposals.

*Subsequently renumber proceeding points.*

(c) *Amend guiding principle 5.5 Site Access, pedestrian and vehicular by adding a new paragraph as follows:*

Site access needs to consider where vehicles and pedestrian will enter and leave the site, what vehicle use will be made of each access point and appropriateness of design of the access to suit the intended use (i.e. will vehicle access be used by service delivery vehicles, cars or residential?), what impacts/changes will occur in the public street as a result of vehicle and pedestrian access points and whether or not alterations to or in the public street (e.g. traffic calming, pedestrian crossings etc) will be necessary to ensure public safety and transport safety factors are provided for. Public transport also needs to be considered and integrated into site access design and functions. The Traffic Engineers Report required to be submitted will be used to assess these matters and the appropriateness of response to them in any resource consent application.

(d) *Additionally make changes under the heading Pedestrian to include public transport issues:*

The location of pedestrian access points to the village need to be legible and visible from the public street, be connected with public transport and provide as well as providing views to focal point(s) within the village (such as the supermarket, a specimen tree or the open space). Approximate locations for pedestrian access points are indicated on the map, though the number and locations are not precise and are ultimately dependent on building design and location, vehicle access points and location of public transport.

### **3.1.8 Appearance of buildings**

Submission 6, Stebbings Farmlands, considers the guiding principles for building external design and appearance are too onerous in regards to the supermarket. This was elaborated on at the hearing with the submitters planning consultant, Mr Peter Koop, suggesting alternative wording to requirement 1 in section 4 of the Concept Plan. In particular it was pointed out that potentially all of the car parking area could be regarded as ‘public space’ by definition in the District Plan.

Submissions 8, 9 and 13 raise concerns with building appearance, overdevelopment and lack of a buffer to properties across the street. These issues were elaborated on by submitter 8 at the hearing. In particular Margaret McKay considered the Council had erred in not sufficiently protecting surrounding residential properties from commercial development impacts, thereby requiring residents to remedy these matters on their own properties and at their own expense.

#### **Consideration:**

In response to submission 6 the Committee took on board the recommendations in the officers’ report that in respect of design of a supermarket building, the requirements and building principles of the proposed concept plan are not overly orientated toward supermarket development and as such amendments should be made to the plan change to make it clearer exactly what is required in terms of supermarket development and design. The Committee then carefully considered the specific matters raised at the hearing around design of the Supermarket in response to officers recommendations

The Committee is concerned to ensure that a future supermarket building would appropriately integrate into the site and present appropriate facades to the different parts of the site it might face onto or towards. The Committee noted there was the potential for car parking to surround the supermarket building, but equally that the buildings’ service area ought to be screened or separated off from ‘public space’, as indicate by Guiding Principle 5.3 under the sub-heading Service Areas. The Committee did however agree with the submitter that façade relieve might be provided in the form of building ‘articulation’ through appropriate design as well as activation by use of glazing. In balancing these issues the Committee agreed that a minor change to bullet point 3 of requirement 1 was in order, along the lines of what the submitter suggested but considering the fact that service areas are not necessarily to be viewable or accessible from public space.

In response to submissions 8, 9 and 13 the Committee considered the information provided by the Council’s Planning officers at the beginning of the hearing. This included two alternative site development scenarios in plan form and showed that there would not necessarily be continuous development along the street frontages where verandahs and shop front window requirements are proposed. The Committee found this information very useful in understanding how the Plan Change provisions could work, and further that it addressed the concerns raised by submitters about potential built development levels. Lastly the Committee considered that the proposed 9m height limit, building design requirements and pedestrian access routes through the centre would ensure that development would not significantly detract from the area or properties across the road. The Committee did acknowledge that

introducing commercial development would change the character and therefore amenity values of the area but overall it considered the plan change sufficiently considered these matters and no further changes were required.

**Recommendation:**

**Accept** submission 6 insofar as requirement 1 can be amended.

**Reject** submissions 8, 9 and 13 insofar as they object to the proposal on the grounds that inappropriate commercial and overdevelopment of the site will result from the plan change.

**Amend** the proposed plan change provisions in the following ways (amendments highlighted):

(a) Amend requirement 1 under section **4.0 Requirements** of the Concept Plan in the following way:

1. A supermarket shall be located in toward the centre of the village and:
  - Shall be orientated toward (i.e. visually connect with) the commercial centre and open space area shown on the concept plan map; and
  - Shall fully activate any elevation(s) that front directly onto or face directly toward the open space area shown on the concept plan map; and
  - Shall activate a part of any elevation that directly abuts or faces onto any other 'public space' (as defined by the Plan), and shall articulate the remainder of any such elevation; and
  - Shall be serviced from the rear, southern, aspect; and
  - May have a pedestrian link to or a pedestrian entrance on a street frontage. Any such portion of building on a street frontage shall provide verandah cover over the footpath.

with frontages facing towards Westchester Drive and Lakewood Ave. It shall have at least one main frontage. The supermarket shall be serviced from the rear (southern side) with service vehicles using the Westchester Drive vehicle access.

(b) Amend requirement 4 under section 4.0 Requirements to confirm that any part of the supermarket that edges a street must respond with display windows and verandah cover:

- 4 The Commercial Centre buildings must incorporate **display windows and verandah cover**, as identified on planning map 47 or as identified in requirement 1 above

(c) Amend guiding principle 5.1 Design, external appearance and siting of buildings under the following headings:

Design in context of intended use

*Amend this principle to give clearer guidance on what is anticipated with a supermarket development:*

Buildings need to be designed to accommodate the anticipated activities for the village. The supermarket is located centrally, substantially (but not necessarily entirely) behind the street front shops and residential activities, in order that it does not overly dominate the village feel of the development and to ensure a balance is struck across all anticipated uses. Plans submitted with applications will need to demonstrate ...

Street Edge

*Amend this principle to confirm street edge response:*

...Any supermarket design that extends a pedestrian link or pedestrian entrance to a street frontage needs to be in keeping with these street edge design principles and meet the requirements for shop windows and verandah cover.

#### Buildings

*Amend this principle to further guide development of the supermarket relative to other anticipated development:*

All buildings in the commercial centre must have front and rear elevation treatments that are appropriate to the spaces and activities they adjoin or face. All buildings, including the supermarket building, facing a public space must form an appropriate relationship with it, including fronting and interacting with the space.

For the supermarket building, the appropriateness of the relationship between any building elevation and public space will be determined by:

- Whether or not the elevation or part thereof, faces directly onto or toward the public space that is part of the required open space area (shown green on the concept plan map). Any such elevation will need to be fully activated; and otherwise
- What part of the site a building elevation facing public space is located in:
  - a) The actual length of activation considered necessary for each elevation will depend upon the length and importance of the elevation facing the public space and how prominent on the site the elevation is.
  - b) Areas towards the front of the site and heart of the village, nearer road frontages, site access points and integral activities of the village are important so up to 50% of an elevation at the front of the site should be activated.
  - c) Areas towards the rear (south), of the site and away from site entranceways are less important so activated building elevations will not be necessary. This does not dispense with the need for articulation or other appropriate elevation treatments to deal with building appearance, blank walls and mass. Landscaping may be used to assist but building treatments are more important.

### **3.1.8 The W4 Designation**

Submission 10 from Greater Wellington Regional Council seeks that the designation area shown on the concept plan be amended as it is incorrectly identified. An access to the W4 area is sought for maintenance purposes, and the submission seeks that an Open Space A zone be included around the periphery of the site above the designation area to restrict future development and further protect the designation area. The Regional Council appeared at the hearing and provided substantive information on the background to the W4 designation area in support of its submission.

Submission 7 by Wellington City Council, also sought changes on storm water issues and to clarify matters around the W4 designation area. In a further submission, FS2, the Regional Council objected to this submission.

Further submission FS1 opposes changes sought by Submitter 10 on zoning issues on the basis the requests are unreasonable and would unduly restrict development.

#### **Consideration:**

The Committee considered the information presented at the hearing and found it useful in understanding the context of the site relative to flood and storm water issues. It was clear that an error had been made in the District Plan over the extent of the designation and the Committee agreed with officers and the submitter that amendments to the concept plan map to show the correct designation areas would be helpful. The Committee could not agree with the submitter that amendments to the plan change text to explain the purpose of the designation and requirements under section 176 of the Act were in order, but rather agreed with officers that such explanations either were inherent in the Act or belonged more

appropriately in the Designations Chapter of the District Plan and that further changes to the concept plan wording were not required.

On the matter of access to the stream bed the Committee saw benefits in requiring physical access to it, not only for maintenance purposes but as it would ultimately facilitate pedestrian access along the stream edge in what could be developed as a walking track link through the suburb. Stebbings Farmlands, submitter and owner of the land, advised at the hearing they would not be opposed to such a requirement. Accordingly the Committee found in favour of amending the access requirement proposed by officers in order that it provide for vehicles to stream level and otherwise rights of way for public pedestrian access.

On the matter of zoning the Committee could not agree that either left over tracts of residentially zoned land in under the designation or areas within the concept plan map area proposed to be suburban centre should instead be changed to Open Space A zone. The Committee considered there did not seem to be any benefits to be gained by amending the proposed or existing zones because ultimately, as the land is designated, Regional Council dictate future land uses under section 176 of the Act. Furthermore, in terms of the Open Space A zone the Committee was advised by officers that to impose a more restrictive zoning the land owners approval ought to be provided, and has not been.

### **Recommendation:**

**Accept** submission 10 insofar as it requests the concept plan map be amended to correctly show the designation area, and to require the provision of vehicle access down to the stream in the gully within the designation area.

**Accept** FS1 insofar as it opposes the changes to the zoning of the land to Open Space A.

**Reject** the remainder of submission 10 objecting to zoning of land and requirements and proposed plan provisions dealing with the designation W4 area.

**Accept** submission 7 insofar as it requests changes to clarify provisions dealing with the designation W4 area.

**Amend** the following parts of Plan Change 60 in line with the above discussion:

- (a) Amend the Churton Park Village Concept Plan Map to correctly show the W4 designation area.
- (b) Include a new requirement, no. 16, for a 3m wide formed access to be provided from Lakewood Avenue to the W4 designation area:

**16** A 3m wide access, suitable for 4 wheel drive vehicles and at a grade suitable for pedestrian access, shall be provided to the stream within the W4 designation area in the vicinity of no. 61 Lakewood Ave. Easements shall be created over the access, at the time of development or subdivision, in favour of both Greater Wellington Regional and Wellington City Council's and shall include rights of way for public pedestrian access.

*Subsequently renumber remaining requirements.*

### **3.1.9 Storm water**

Submitters 7, 10 and FS2 have sought changes to clarify issues relating to storm water management and the need to include an overland flow path for storm water within the development should the culvert between Stebbings Dam and the detention area under the W4 designation become blocked or damaged.

At the hearing S10, Regional Council, further elaborated on their concerns on requirement 15 dealing with secondary overland flow path and sought further amendments to recommendations made by Council officer's.

### **Consideration:**

The Committee noted there was substantive agreement between the submitter's request and the Council officer's recommendation and that the main technical difference was to do with capacity of the 'culvert' in relation to overland flow and potential flooding issues, as opposed to the capacity of the detention area within the designation. The submitter requested minor wording changes to requirement 15 in order to bring about this change in emphasis. The Committee accepted the minor change would be helpful.

### **Recommendation:**

**Accept** submissions 7, 10 and FS2 insofar as they seek changes to the plan change to clarify matters dealing with storm water, secondary flow paths and capacity of the culvert.

**Amend** the following provisions of the proposed plan change (amendments highlighted):

- (a) Amend requirement 14 to reduce the information requirements in relation to the W4 designation and introduce requirements for an overland flow path as follows:

14 All development and subdivision proposals must be designed to ensure a **secondary overland flow path** is available between Stebbings Dam and the southern most extent of the W4 designation area that is clear of buildings and structures and protected by appropriate easements at the time of subdivision or development; and that the **capacity of the culvert** from the W4 designation area (storm water 1 in 100 year flood detention) is not exceeded by introduced hard surfaces, including roofs and paving. Development and subdivision proposals must include engineering designs accompanied by calculations information demonstrating how this both these requirements are is achieved, including identifying where the secondary overland flow path is to be located. Engineering designs and accompanying calculations must consider the anticipated storm water runoff to the W4 designation area from introduced hard surfaces, including roofs and paving.

- (b) Amend guiding principle 5.1 Design, external appearance and siting of buildings, under the heading Buildings, adding a paragraph to confirm that all buildings need to be sited clear of the required overland flow path:

Additionally, all buildings shall be located to avoid the secondary overland flow path referred to in requirement 15. The overland flow path is required to be shown on all development plans.

- (c) Amend guiding principle 5.7 Storm water management so that it correctly refers to the designation, applies to subdivision and includes consideration for the over land flow path:

On site developments and subdivision needs to consider the volume of water that can be accepted into the adjacent retention are under Wellington City Council designation W4 would be discharged in a 1 in 100 year storm event into the adjacent W4 flood detention area designated by Wellington Regional Council. How water is treated and discharged into the W4 area will be assessed for appropriateness in any development or subdivision application, and again conditions of consent imposed where necessary.

Additionally, the secondary overland flow path shall be identified, protected by easements in any subdivision proposal and all development clear of it. The appropriateness of treatment of the secondary overland flow path by development and subdivision will be assessed at the time a resource consent application is made, and where necessary conditions of consent imposed. Any volume of water that cannot be accepted may need to be retained on site in an appropriate manner or diverted to other storm water catchments. The required calculations need to demonstrate how this is achieved.

### **3.1.10 Earthworks**

Submitter 10 seeks that earthworks be controlled as a matter of discretion and that works within 5m of the stream and on slopes of 28 degrees or more be avoided altogether.

Further submission FS1 opposes the earthworks changes sought by Submitter 10 on the basis that the requests are unreasonable and would unduly restrict development.

### **Consideration:**

The Committee noted the officer's response to the above submissions and the significant changes to the concept plan recommended in the officers' report, which included the following:

- Include earthworks as a matter of discretion for land use and subdivision (except for trenching for services where this does not include trenching below the 100m contour level)
- Restrict earthworks for building foundations and development platforms below the 100mtr contour level for reasons that such works are likely to detrimentally impact on the stream slopes and stream and to avoid inundation of any future building platforms. This should be included as a requirement under the concept plan.
- Control earthworks for services below the 100m level contour to manage impacts on the slopes and stream and to allow consideration of whether or not the Regional Council would be an affected party by any such works.
- Include guiding principles for assessing visual and physical effects of earthworks

Whilst submitter 10 seeks more control over earthworks by being identified as an affected party each time a resource consent application is made for works below the 100m contour level, the Committee agreed with officers that if there is an effect to be dealt with the consent process will identify that and the Regional Council will be identified, as appropriate, as an affected party. Otherwise, the Committee considered the recommended changes to the proposed plan provisions, summarised above, would significantly improve the management of earthworks and largely addresses the concerns raised by the submitter.

### **Recommendation**

**Accept** submissions 10 and FS1 insofar as the following amendments provide relief to earthworks matters raised in those submissions.

**Reject** submission 10 insofar as it requests written approval be obtained from Wellington Regional Council for all earthworks below the 100m contour level.

**Amend** the following provisions of the proposed plan change (amendments highlighted):

- (a) In order to be able to assess the potential effects from earthworks, include earthworks as a matter for discretion under proposed rules 7.3.11 and 7.3.12.
- (b) Exclude earthworks from the non-notification provisions insofar as the ability to serve notice on affected parties is concerned by adding the following words to that provision of rules 7.3.11 and 7.3.12:

*... In respect of matters of earthworks 7.3.11.8, applications that meet the standards and terms do not need to be publicly notified however notice may be served on affected parties. ...*

*And*

*... In respect of matters of earthworks 7.3.12.6, applications that meet the standards and terms do not need to be publicly notified however notice may be served on affected parties. ...*

- (c) Include a new requirement 18 for earthworks, restricting earthworks to the 100m contour level (except those works in relation to utility services):

**18 Earthworks** for building platforms, building or structure foundations, driveways or any other aspect of housing or its curtilage shall not be undertaken below the 100m contour level or the top of the bank (whichever is lower) immediately above the W4 designation area – as indicated by the hatched line on the concept plan map. Any earthworks in this vicinity shall be accompanied by a survey plan to confirm compliance with this requirement. Earthworks for utility services (such as storm water pipes and discharge points) below the 100m contour level or top of the bank are not affected by this requirement.

- (d) Add a guiding principle to provide for the discretionary consideration of earthworks in any resource consent application:

### **5.9 Earthworks**

Given the sloping nature of the site, most if not all developments are likely to involve earthworks to varying degrees for building platforms, driveway access, parking, landscaping, creating appropriate levels and for installing infrastructure etc.

All development proposals involving earthworks cuts or fill of 1m or more in height or depth\* and any earthworks for installing services below the 100m contour level or top of the bank, and immediately above the stream, shall provide the following information with resource consent applications:

- Cut and fill plans;
- Final contour plans;
- Confirmation of depth or height of cut or fill;
- Sediment control plans showing how sediment laden storm water will be treated and where it will be discharged;
- Plans showing how cut faces or constructed slope faces will be treated - this should include information on retaining structures (including materials) and/or landscape plans (including planting plans);
- Identification of any engineering issues and whether or not there will be any effects relating to matters of erosion, falling debris, subsidence, slippage or inundation from any earthworks and related structures or building platforms; and
- An accompanying written assessment and identification of mitigation methods for addressing visual effects, sedimentation effects and any related engineering or geotechnical effects and matters.
- For any earthworks for installing services below the 100m contour level and immediately above the stream, consideration on whether or not the Greater Wellington Regional Council might be an affected party should be provided.

In terms of cut faces, as a minimum visual result there should be no cut face or any part thereof (treated for visual effects or not), that is visible above any building roofline. In terms of constructed slopes, as a minimum visual result these should be capable of and be proposed to be landscape planted or grassed.

Matters outlined in section 106 of the Resource Management Act 1991 will be used to assess the appropriateness of any proposed earthworks and related structures or building platforms, and response to issues of erosion, falling debris, subsidence, slippage or inundation and related effects both on and off the site. Effects on the adjacent watercourse, the slopes above the W4 designation area and whether Greater Wellington Regional Council would be an affected party by works affecting these areas will be carefully considered. In order to assess these issues Council officers may require an engineering report to be submitted by an applicant. Such a report may require input from qualified geotechnical engineers. Council may refuse to grant consent, or may grant consent with conditions in terms of the matters outlined in section 106.

\*Trenching for services need not be assessed except when below the 100m contour level as specifically mentioned.

- (e) Amend the Churton Park Village Concept Plan Map as shown in appendix 4

### **3.1.11 Technical issues with wording of rules and part of the Concept Plan**

Submissions 1, 7 and 10 seek amendments to wording to clarify issues and clear up technical anomalies created in the proposed Plan Change provisions.

#### **Consideration:**

The Committee considered the substance of the submissions and the response in the Council officer's report, and agreed the requested changes and recommendations by officers, as detailed below, would not ultimately affect the intention of the proposed Plan Change provisions.

## **Recommendation**

**Accept** submissions 1, 7 and 10 insofar as the following amendments provide relief to the issues raised.

**Amend** the following provisions of the proposed plan change (amendments highlighted):

- (a) Amend heading to appendix 8 so that it becomes Appendix 9.
- (b) Amend section 1.0 Introduction so that it reads that all applications will be assessed against all three parts of the concept plan:

All resource consent applications made under Rules 7.3.1 (subdivision) and 7.3.11 (development in Churton Park Village Concept Plan area) must be assessed for adherence to against all three parts of the Concept Plan.

- (c) Amend the Churton Park Village Concept Plan Map as shown in attached version.
- (d) Amend requirement 6 under Section 4.0 Requirements to clarify that the green open space area shown on the concept plan map is an indicative size and shape and does not represent exactly what will be developed:

6. A dedicated **open space area**, free from vehicles and car parking, must be created adjacent to the commercial activities and be provided with visual and physical connections to the public street. The exact number and locations of these connections will ultimately depend on building design and layout. The open space area and connections shown on the map are indicative in terms of size and location. The open space area will not occupy all the area identified green on the map, but shall fit within that location.

- (e) To address the understanding of the non-notification provisions of both rules 7.3.11 and 7.3.12, amend the wording as follows:

*7.3.11:*

...In cases where concurrent consents are required under rules 7.3.1 and 7.3.2 in accordance with the standards and terms below, the non-notification provisions for these rules will apply.

~~For the avoidance of doubt, this provision does not apply to any proposal not meeting A) below where a concurrent consent is being sought.~~

*And 7.3.12:*

~~applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons unless an application is also required under rule 7.4.5.~~

## **4 RESOURCE MANAGEMENT ACT 1991 CONSIDERATIONS**

It is the Hearing Committee's overall view that a Suburban Centre zoning for the corner of Westchester Drive and Lakewood Avenue, in conjunction with additional controls on design and location of buildings and on activities, will be the most efficient and effective means of meeting the requirements under Part 2 of the Resource Management Act. In particular that the land uses and subsequent development of the subject site will be managed in a way that will enable the communities of Churton Park and Glenside to provide for their social and day-to-day economic wellbeing, whilst at the same time avoiding, remedying, or mitigating the potential adverse effects on the amenity values of the immediate area. Such amenity values are derived from the built character, noise levels, traffic management, storm water management and safeguarding the life supporting capacity of the stream.

In particular, several submitters concerns drew the Committee's attention to the maintenance and enhancement of amenity values, which are required to be considered by section 7 of the Act. The Committee balanced these concerns against other matters required to be considered

under section 7, including the efficient use and development of natural resources, (in this case land). On balance the Committee concluded there was an established need in the community for a neighbourhood shopping centre to enable better care of social and economic wellbeing. As there was a parcel of land, sufficient in size and in a central location, available to fulfil that need its development for that purpose was appropriate so long as potential adverse effects on amenity values can be appropriately avoided, remedied or mitigated. The Committee considers that the proposed Plan Change provisions, as amended through submissions, will achieve this such that impacts on amenity values will be sufficiently managed and the built environment will be maintained and enhanced.

Mindful of its obligations under s32 of the Act, the Committee considered that the existing objectives under the Suburban Centre zone of the District Plan are the most appropriate way to achieve the purpose of the Act. The committee did make numerous changes to the proposed policy and methods (rules and concept plan) however, in order to ensure that they were the most appropriate and effective way to achieve the objectives.

## **5 CONCLUSION**

This report has addressed all of the submissions to Proposed District Plan Change 60 and overall it was concluded that the Plan Change should be recommended to Council for adoption with the amendments detailed in this report and attached appendices.

**Leone Gill, Commissioner  
Chair, Hearing Committee**

District Plan Change 60  
Rezoning of the corner of Westchester Drive and Lakewood Ave to Suburban Centre

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# Proposed District Plan Change

## Annotated provisions of the Operative District Plan showing proposed changes

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Amendments to existing provisions and new provisions are shown as underlined; and further amendments following submissions are additionally **highlighted** with deletions are shown as ~~struck out~~.

**1.0** Insert a new policy into Chapter 6 under objective 6.2.2 and after policy 6.2.2.6 as follows:

**6.2.2.7** Provide for the development of a mixed use neighbourhood shopping centre in Churton Park, which includes a supermarket, **and medium density residential activities and (if confirmed through a needs analysis) a community centre or facilities,** via implementation of the approved Concept Plan in Appendix 8.

### METHODS

- Rules
- Concept Plan (including a plan and accompanying text)
- Advocacy
- Memorandum of understanding with the land owner

*It has long been intended that Churton Park and Glenside would have a local shopping centre to support the community once development in those areas are of sufficient size to support one. In October 2003 the Northern Growth Management Framework identified this need was imminent and a site on the corner of Westchester Drive and Lakewood Ave has subsequently been identified as appropriate to this purpose. A Concept Plan, including a map, requirements and guiding principles, has been developed for the area by the Council in consultation with the landowner and residents. The Concept Plan seeks a mixed use development to create a 'village centre' and comprising retail, commercial, community, recreational and residential activities placed around a supermarket. Retail studies indicate that such a centre has better economic success with the support of a supermarket as an 'anchor tenant'. Further, medium density residential will also support the centre by increasing the population immediately around it. Importantly, the Concept Plan does not allow for the introduction of 'big box' retail, apart from a supermarket. All subdivision and development will require resource consent to establish. Where proposals meet the requirements of the Concept Plan applications will be assessed as discretionary (restricted) activities against the guiding principles, and will be processed on a non-notified basis without the need for affected party approvals. However, any proposed development or subdivision not meeting the requirements of the Concept Plan will default to a non-complying activity.*

**2.0** Insert text at the end of Chapter 6 under in the table Schedule of Appendices as follows:

8	Churton Park Suburban Centre – Churton Park Village Concept Plan
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- 3.0 Insert a new appendix into Chapter 7 – Churton Park Village Concept Plan, as follows:

## **Appendix 89 Churton Park Village Concept Plan**

### **1.0 Introduction**

This Concept Plan is made up of a map, a set of requirements and a set of guiding principles. Together these are intended to guide the development of a village centre. All resource consent applications made under Rules 7.3.1 (subdivision) and 7.3.11 (development in Churton Park Village Concept Plan area) must be assessed for adherence to against all three parts of the Concept Plan. Any development or subdivision that departs from the requirements of the Concept Plan will be considered as a non-complying activity; otherwise it will need to be demonstrated in the Assessment of Effects accompany resource consent applications, how proposals meet the guiding principles.

The map illustrates a flexible framework for development, indicating the general location within the village where activities should be located. The accompanying text reinforces the map with requirements and the guiding principles are there to reinforce urban design principles to be achieved but do not fix the actual design for village or the individual buildings.

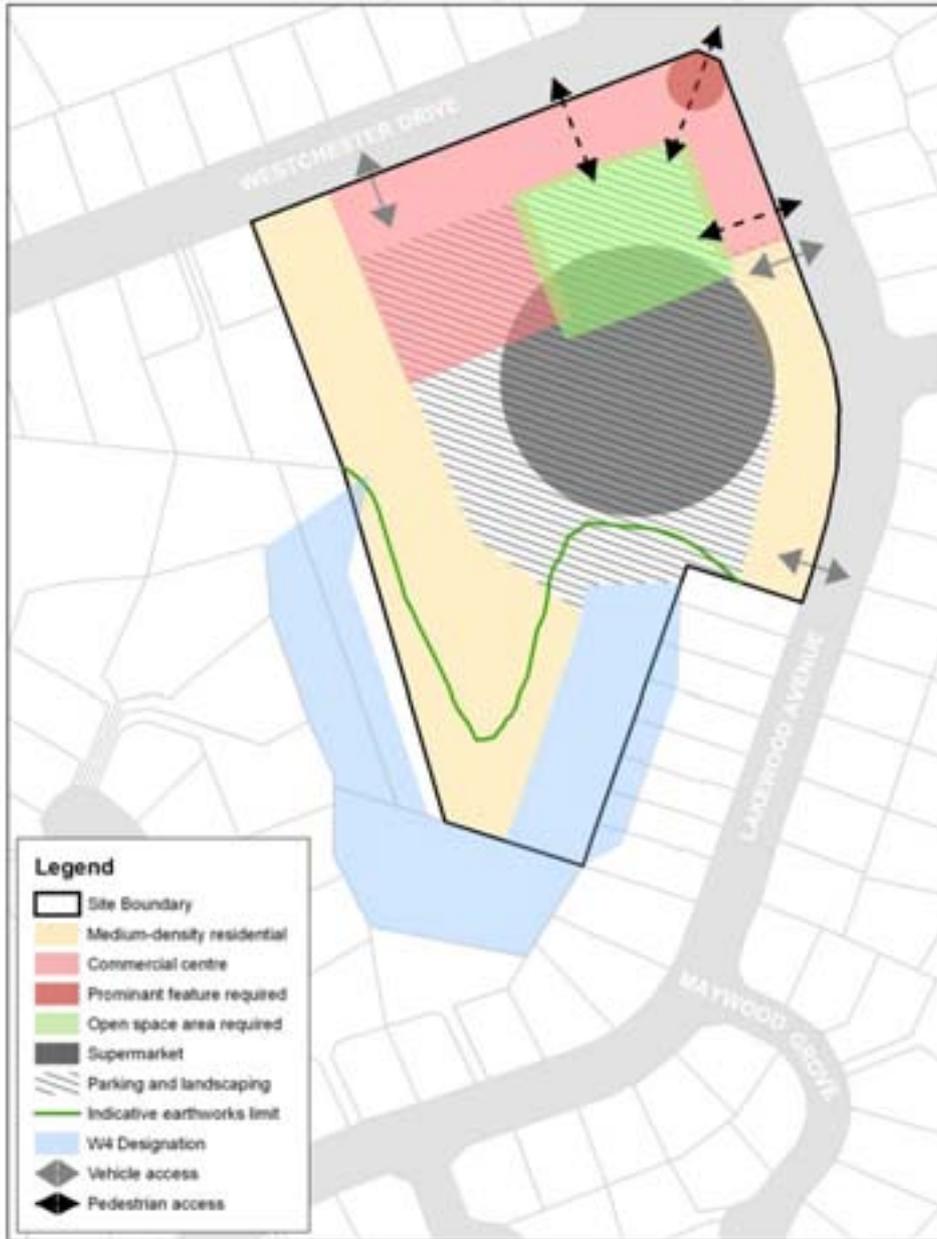
### **2.0 Vision Statement**

To provide the communities of Churton Park and Glenside with a Village that will form the focal point and social interaction hub for these communities whilst providing for their day-to-day needs. Quality of development is essential in delivering such a place. Buildings will create a degree of critical mass balanced by park and open space to ensure a sense of place is established. Accessibility for public transport, private vehicles and pedestrians is made easy though balanced against pedestrian amenity. The Village will be an inviting and safe place to be in at all times of the day and night.

### **3.0 Map**

The different activity areas shown on the map do not represent the absolute location, footprint or specific land area to be used. Rather, these are diagrammatic representations of the general locations for buildings and activities. There is no specific requirement to either develop adjoined or separate buildings in any on part of the village. The final size, location and design of any component of the village required by the Concept Plan and shown on the map will be assessed through the resource consent process. Any subdivision will also be assessed through the resource consent process for compliance with the requirements and compatibility with the map of the Concept Plan. Additionally, given that timing of development or subdivision of any part of the village is uncertain, the Concept Plan anticipates any balance areas not being developed, but remaining in grass cover or be landscape planted awaiting development. In particular, the plan does not intend that undeveloped areas be temporarily developed or used for car parking.

Churton Park Village Concept Plan - Officer's Report



- Legend**
- Site Boundary
  - Medium-density residential
  - Commercial centre
  - Prominant feature required
  - Open space area required
  - Supermarket
  - Parking and landscaping
  - Indicative earthworks limit
  - W4 Designation
  - Vehicle access
  - Pedestrian access

NOTE - Notations are indicative of size and location - siting and scale will be specified through the resource consent process.



## 4.0 Requirements

1. A **supermarket** shall be located ~~in~~ toward the centre of the village and:
  - Shall be orientated toward (i.e. visually connect with) the commercial centre and open space area shown on the concept plan map; and
  - Shall fully activate any elevation(s) that front directly onto or face directly toward the open space area shown on the concept plan map; and
  - Shall activate a part of any elevation that directly abuts or faces onto any other 'public space' (as defined by the Plan), and shall articulate the remainder of any such elevation; and
  - Shall be serviced from the rear, southern, aspect; and
  - May have a pedestrian link to or a pedestrian entrance on a street frontage. Any such portion of building on a street frontage shall provide verandah cover over the footpath.

~~with frontages facing towards Westchester Drive and Lakewood Ave. It shall have at least one main frontage. The supermarket shall be serviced from the rear (southern side) with service vehicles using the Westchester Drive vehicle access.~~
2. The Commercial Centre may only contain **retail, community, commercial, healthcare and related or similar activities, and residential activities** above the ground floor.
3. Buildings comprising the Commercial Centre component of the village shall **occupy and engage the public street edge** along Westchester Drive and Lakewood Ave.
4. The Commercial Centre buildings must incorporate **display windows and verandah cover**, as identified on planning map 47 ~~or as identified in requirement 1 above.~~
5. A **prominent landmark corner feature** using prominent building form supported by signage, landscaping or a combination thereof must be included on the street corner as shown on the map.
6. A dedicated **open space area**, free from vehicles and car parking, must be created adjacent to the commercial activities and be provided with visual and physical connections to the public street. The exact number and locations of these connections will ultimately depend on building design and layout. ~~The open space area and connections shown on the map are indicative in terms of size and location. The open space area will not occupy all the area identified green on the map, but shall fit within that location.~~
7. **Medium density residential housing** shall flank the western boundary of the zone and front a portion of Lakewood Ave between the commercial activities and the southern boundary of zone.
8. Medium density residential housing shall be developed at a **density of 1 unit/300m<sup>2</sup>** of site area or greater (i.e. denser). Site area for the purpose of this requirement is the area of land to be legally associated with an individual or group of residential units. Proposals must therefore identify this land area if a subdivision has not already occurred to create it.
9. There shall be at least one main **vehicle access** providing for entry to and/or exit from the village on each street frontage, ~~in addition to access points for residential activities.~~ The concept plan map shows 2 vehicle accesses on Lakewood Ave but that is ~~indicative only not essential.~~ A Traffic Engineers Assessment shall accompany each proposal involving provision of pedestrian access and vehicle access for any purpose. That report shall consider requirements 9 to 12 and 14, and include an assessment of effects on road safety, whether or not traffic calming measures are required on public roads, appropriateness of vehicle access location, type and volume of traffic use anticipated for

each access and how pedestrian access will be facilitated to and from the centre (including crossing public roads). Each vehicle access shall be landscaped to assist the legibility of the village in finding the access points and also to assist pedestrians. Additionally, residential development shall have separate or individual vehicle accesses.

10. There shall be at least one dedicated **pedestrian access** provided through the commercial activities on each street frontage *and* throughout the car parking area. The pedestrian access points shown on the map are not precisely located and only indicate the need for the access.
11. **Car parking** shall be located behind the street front activities and must not directly front the public street.
12. **Car parking** for medium density residential housing shall be provided at a ratio of 1 car park / unit plus a minimum of 1 visitor car park per 4 units (this provision is the same as that for infill housing requirements in the outer residential area). If fractions result, additional parking is required where the fraction is 0.6 or higher.
13. All proposals incorporating any area of public space (as defined in the Plan) shall include a **landscaping** component. Specimen trees as part of that landscaping shall be included at the ratio identified in the guiding principles below.
14. **Public transport** must be facilitated by including cycle racks in a priority location near village entrances and integrated pedestrian links to bus stops. The cycle racks and pedestrian links shall be shown on plans accompanying development proposals.
- 14.15. All development and subdivision proposals must be designed to ensure a **secondary overland flow path** is available between Stebbings Dam and the southern most extent of the W4 designation area that is clear of buildings and structures and protected by appropriate easements at the time of subdivision or development; and that the **capacity of the culvert** from the W4 designation area (storm water-1 in 100 year flood detention) is not exceeded by introduced hard surfaces, including roofs and paving. Development and subdivision proposals must include engineering designs accompanied by calculations information demonstrating how this both these requirements are is achieved, including identifying where the secondary overland flow path is to be located. Engineering designs and accompanying calculations must consider the anticipated storm water runoff to the W4 designation area from introduced hard surfaces, including roofs and paving.
16. A **3m wide access**, suitable for 4 wheel drive vehicles and at a grade suitable for pedestrian access, shall be provided to the stream within the W4 designation area in the vicinity of no. 61 Lakewood Ave. Easements shall be created over the access, at the time of development or subdivision, in favour of both Greater Wellington Regional and Wellington City Council's and shall include rights of way for public pedestrian access.
17. **Subdivision** design and layout shall demonstrate that the above requirements can be met.
- 15-18. **Earthworks** for building platforms, building or structure foundations, driveways or any other aspect of housing or its curtilage shall not be undertaken below the 100m contour level or the top of the bank (whichever is lower) immediately above the W4 designation area – as indicated by the hatched line on the concept plan map. Any earthworks in this vicinity shall be accompanied by a survey plan to confirm compliance with this requirement. Earthworks for utility services (such as storm water pipes and discharge points) below the 100m contour level are not affected by this requirement.

## 5.0 GUIDING PRINCIPLES

### 5.1 Design, external appearance and siting of buildings

#### *Design in context of intended use:*

Buildings need to be designed to accommodate the anticipated activities for the village. The supermarket is located centrally, substantially (but not necessarily entirely) behind the street front shops and residential activities, in order that it does not overly dominate the village feel of the development and to ensure a balance is struck across all anticipated uses. Plans submitted with applications will need to demonstrate what activities are anticipated for any individual or part of a new building or extension. Likewise, subdivision layout needs to be able to accommodate the anticipated activities and this needs to be demonstrated in applications.

#### *Street edge:*

The commercial buildings fronting Westchester Drive and Lakewood Ave need to form an active edge through their siting and design. This *does not* necessarily require that buildings form an unbroken lineal edge along the street but that needs to be considered in the context of the requirement for continuous verandah cover over the public street. Buildings *may* be setback with a curtilage that edges the street, or have recessed doors at the street edge, though any such treatment or design needs to take account of both the verandah, display window and prominent feature requirements. Any supermarket design that extends a pedestrian link or pedestrian entrance to a street frontage needs to be in keeping with these street edge design principles and meet the requirements for shop windows and verandah cover.

The prominent feature will be the identifier for the centre and as such needs to be designed as a landmark. It may extend into the public street, but this may require an encroachment licence to be obtained from Council.

#### *Buildings:*

All buildings in the commercial centre must have front and rear elevation treatments that are appropriate to the spaces and activities they adjoin or face. All buildings, including the supermarket building, facing a public space must form an appropriate relationship with it, including fronting and interacting with the space.

For the supermarket building, the appropriateness of the relationship between any building elevation and public space will be determined by:

- Whether or not the elevation, or part thereof, faces directly onto or toward the public space that is part of the required open space area (shown green on the concept plan map). Any such elevation will need to be fully activated; and otherwise
- What part of the site a building elevation facing public space is located in:
  - d) The actual length of activation considered necessary for each elevation will depend upon the length and importance of the elevation facing the public space and how prominent on the site the elevation is.
  - e) Areas towards the front of the site and heart of the village, nearer road frontages, site access points and integral activities of the village are important so up to 50% of an elevation at the front of the site should be activated.
  - f) Areas towards the rear (south), of the site and away from site entranceways are less important so activated building elevations will not be necessary. This does

not dispense with the need for articulation or other appropriate elevation treatments to deal with building appearance, blank walls and mass. Landscaping may be used to assist but building treatments are more important.

The design of any building needs to be derived from a coherent overall compositional idea, taking into consideration the adjoining or adjacent building. Dimensions should aim to reduce the apparent size of a building, using modulation where necessary. Unmodulated square boxes and multi storey blank walls are not anticipated. All elevations must exhibit some form of relief, whether by architectural detailing or openings with doors and windows. Detailing and tactile qualities should provide visual interest and materials should be used that give an appearance of durability and robustness.

In siting and designing the floor layout of buildings, consideration needs to be given to connectivity to public space and interconnections with other buildings and activities within the centre. Building location and layout will need to demonstrate how safe pedestrian 'pathways' are facilitated so that the centre is legible and permeable from all edges and between all activities.

Additionally, all buildings shall be located to avoid the secondary overland flow path referred to in requirement 15. The overland flow path is required to be shown on all development plans.

## **5.2 Structure and design of public space**

The open space area needs to have good access to sunlight and be protected from the wind. Physical and visual connections need to be made with the public street as well as active edges with adjoining buildings and pathways. Overall public space needs to provide a pleasant place for people to congregate, be user friendly and well connected to other parts of the centre. The layout and design of buildings and any public space surrounding them need to consider crime prevention and public safety, including (but not limited to) lighting, sense of security and the ability for observation over public space areas. Overall public space needs to provide a pleasant place for people to congregate, be user friendly and well connected to other parts of the centre. The design and location of the public space needs to demonstrate all these attributes and show how they will be achieved through design, landscaping, furniture, planting etc.

## **5.3 Location and layout of parking and servicing, and servicing hours**

Service and parking areas are essential to the efficient functioning of the village though both have the potential to visually detract from it if not well planned and integrated.

### *Car parking:*

The layout of parking and vehicle circulation areas should be easy to navigate for both drivers and pedestrians, and accommodate clear and safe pedestrian routes linking the village activities.

Car parking should be laid out in a manner that avoids the appearance of a 'sea of parking', rather parking should be compartmentalised and broken up. This can be achieved through building location, appropriate site design using landscaping (including planting), and pedestrian pathways through the parking area that have a different surface (texture or colour) treatment. Both landscaping and pedestrian pathways are required so these need to be included in parking layout design.

Plans accompanying proposals will need to demonstrate how the above matters are achieved.

Service areas:

Service areas for all activities/buildings should be located separately from public spaces and pedestrian pathways wherever possible (i.e. predominantly); appropriate screening and/or landscaping needs to be used in the few instances where service areas *cannot be* located separately from and back onto public space. Plans accompanying applications need to show all service areas, demonstrate they are located in the best possible place and how interface areas are to be treated.

Applications for all activities requiring or providing service areas will need to provide information about likely service times, what types of service vehicles will frequent the site and which site access will be used. If necessary resource consent conditions may be imposed limiting service delivery hours between the hours of 10pm and 7am all days of the week in order to manage potential noise and disturbance effects to neighbouring or adjacent residential properties and dwellings.

#### **5.4 Landscaping**

Landscaping has several functions besides providing amenity value for the village. It can be used to identify pedestrian from vehicle routes, to screen unsightly service/rear of building areas, as a means of storm water management and to create feature areas.

Landscape components of developments should consider the need for hard surface and planted areas. Pedestrian routes need to have different surface treatments (texture or colour). The open space area needs to include furniture, lighting, planting and hard surface areas (pathways and seating space).

Any hard surface areas may need to have a permeability function for storm water management if they drain to the W4 area, thus materials need to be investigated for their function and identified in landscape plans accompanying development proposals.

Specimen trees need to be included at a ratio of not less than 1 tree per 10 car parks *plus* 1 tree per 25m at other locations throughout the village such as between activities and along boundaries.

The use of plants needs to be appropriate to their location and intended function and affect. Landscape plans need to identify plant type and state their intended purpose in the area proposed; e.g. specimen tree to break parking area, or row of 1m tall shrubs to edge open space, or mass planting of grasses to add texture and colour. Planting needs to be effective, visible from the intended viewing space and create soft edges to built development. Landscape plans need to demonstrate how this is achieved. An inappropriate use of plants would be for example, low level grasses in a large format parking area as they are hardly visible and do not compartmentalise or break-up the open space created by parking.

#### **5.5 Site Access, pedestrian and vehicular**

Site access needs to consider where vehicles and pedestrian will enter and leave the site, what vehicle use will be made of each access point and appropriateness of design of the access to suit the intended use (i.e. will vehicle access be used by service delivery vehicles, cars or residential?), what impacts/changes will occur in the public street as a

result of vehicle and pedestrian access points and whether or not alterations to or in the public street (e.g. traffic calming, pedestrian crossings etc) will be necessary to ensure public safety and transport safety factors are provided for. Public transport also needs to be considered and integrated into site access design and functions. The Traffic Engineers Report required to be submitted will be used to assess these matters and the appropriateness of response to them in any resource consent application.

#### *Pedestrian:*

The location of pedestrian access points to the village need to be legible and visible from the public street, be connected with public transport and provide as well as providing views to focal point(s) within the village (such as the supermarket, a specimen tree or the open space). Approximate locations for pedestrian access points are indicated on the map, though the number and locations are not precise and are ultimately dependent on building design and location, vehicle access points and location of public transport.

#### *Vehicular:*

The design of vehicle access points needs to incorporate landscape treatments and space for signs. Additionally, pedestrian friendly design of the vehicle access points is to be considered with use of islands, paths and landscaping to assist. Development proposals must demonstrate these components have been considered and incorporated.

### **5.6 Residential development**

Semi-detached residences or rows/terraces of attached residences are anticipated to make up the bulk of residential development. Standalone houses should be limited (i.e. comprising less than one quarter of the housing), but may be considered in providing a range of housing options. All residential development, whether stand alone, semi-detached or attached shall be designed in accordance with the multi-unit design guide for residential buildings Residential Design Guide.

### **5.7 Storm water management**

On site developments and subdivision needs to consider the volume of water that can be accepted into the adjacent retention are under Wellington City Council designation W4 would be discharged in a 1 in 100 year storm event into the adjacent W4 flood detention area designated by Wellington Regional Council. How water is treated and discharged into the W4 area will be assessed for appropriateness in any development or subdivision application, and again conditions of consent imposed where necessary.

Additionally, the secondary overland flow path shall be identified, protected by easements in any subdivision proposal and all building development clear of it. The appropriateness of treatment of the secondary overland flow path by development and subdivision will be assessed at the time a resource consent application is made, and where necessary conditions of consent imposed. Any volume of water that cannot be accepted may need to be retained on site in an appropriate manner or diverted to other storm water catchments. The required calculations need to demonstrate how this is achieved.

The role of soft landscaping options need to be considered in reducing storm water flow from the site and be used as a means of primary treatment of storm water.

### **5.8 Subdivision**

Subdivision type (tenure), layout (including access arrangements) and lot size need to

facilitate the envisaged development identified on the map. Applications for subdivision must clearly demonstrate how the subdivision layout and lot size will facilitate development of the village as per the map and the requirements.

## **5.9 Earthworks**

Given the sloping nature of the site, most if not all developments are likely to involve earthworks to varying degrees for building platforms, driveway access, parking, landscaping, creating appropriate levels and for installing infrastructure etc.

All development proposals involving earthworks cuts or fill of 1m or more in height or depth\* and any earthworks for installing services below the 100m contour level or top of the bank, and above the stream, shall provide the following information with resource consent applications:

- Cut and fill plans;
- Final contour plans;
- Confirmation of depth of cut or fill;
- Sediment control plans showing how sediment laden storm water will be treated and where it will be discharged;
- Plans showing how cut faces or constructed slope faces will be treated - this should include information on retaining structures (including materials) and/or landscape plans (including planting plans);
- Identification of any engineering issues and whether or not there will be any effects relating to matters of erosion, falling debris, subsidence, slippage or inundation from any earthworks and related structures or building platforms; and
- An accompanying written assessment and identification of mitigation methods for addressing visual effects, sedimentation effects and any related engineering or geotechnical effects and matters.
- For any earthworks for installing services below the 100m contour level and immediately above the stream, consideration on whether or not the Greater Wellington Regional Council might be an affected party should be provided.

In terms of cut faces, as a minimum visual result there should be no cut face or any part thereof (treated for visual effects or not), that is visible above any building roofline. In terms of constructed slopes, as a minimum visual result these should be capable of and be proposed to be landscape planted or grassed.

Matters outlined in section 106 of the Resource Management Act 1991 will be used to assess the appropriateness of any proposed earthworks and related structures or building platforms, and response to issues of erosion, falling debris, subsidence, slippage or inundation and related effects both on and off the site. Effects on the adjacent watercourse, the slopes above the W4 designation area and whether Greater Wellington Regional Council would be an affected party by works affecting these areas will be carefully considered. In order to assess these issues Council officers may require an engineering report to be submitted by an applicant. Such a report may require input from qualified geotechnical engineers. Council may refuse to grant consent, or may grant consent with conditions in terms of the matters outlined in section 106.

*\*Trenching for services need not be assessed except when below the 100m contour level as specifically mentioned.*

**4.0** Insert text to permitted activity Rule 7.1.1 as follows:

**7.1.1** Any activity except for:

...

- Activities not provided for in the Churton Park Village Concept Plan (as a supermarket is provided for, it is not subject to any further provisions of this rule).

...

**5.0** Insert text to existing maximum building height rule 7.1.2.1 as follows –

7.1.2.1 The maximum building height is 12 metres, except for:

...-

- [Buildings and structures in the Aro Valley Suburban Centre and the Churton Park suburban centre where the maximum building height is 9m]<sup>1</sup>

...

**6.0** Insert text to existing subdivision rule 7.1.4 as follows –

7.1.4 Subdivision except within the Churton Park Suburban Centre Concept Plan area, and otherwise any company lease, cross lease and unit title subdivision is a Permitted Activity provided that it complies with the following conditions:

**7.0** Insert new rule under 7.3 Discretionary Activities (Restricted) as follows:

**7.3.11 The construction, alteration of, and addition to buildings, structures (excluding signs), and construction of car parking anywhere within the Churton Park Village Concept Plan area is a Discretionary Activity (Restricted) in respect of:**

**7.3.11.1 Design, external appearance and siting of buildings (i.e. the design of buildings and the space around them)**

**7.3.11.2 Structure and design of public space**

**7.3.11.3 Location and layout of parking and servicing, and servicing hours**

**7.3.11.4 Landscaping**

**7.3.11.5 Site Access, pedestrian and vehicular**

**7.3.11.6 Density of residential development**

**7.3.11.7 Storm water management**

**7.3.11.8 Earthworks**

**Non-notification**

*In respect of rule 7.3.11 and matters of discretion 7.3.11.1 to 7.3.11.7, applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons. In respect of matters of earthworks 7.3.11.8, applications that meet the standards and terms do not need to be publicly notified however notice may be served on affected parties. In cases where concurrent consents are required under rules 7.3.1 and 7.3.2 in accordance with the standards and terms below, the non-notification provisions for these rules will apply.*

*For the avoidance of doubt, this provision does not apply to any proposal not meeting A) below where a concurrent consent is being sought.*

### Standards and Terms

- A) All structures, buildings and car parking must meet the conditions for Lighting (7.1.1.4), Electromagnetic Radiation (7.1.1.5), Screening of Activities and Storage (7.1.1.6 - 7.1.1.6.2 only), Vehicles Parking, Servicing and Site Access (7.1.1.7) except residential activities needn't comply with standard 7.1.1.7.5 (servicing), Signs (7.1.1.8), Maximum building height (7.1.2.1), Height control adjoining Residential Areas (7.1.2.2 – 7.1.2.2.1 only), Verandas (7.1.2.4), and Windows (7.1.2.6) unless consent is concurrently sought under rules 7.3.1 and 7.3.2 for the condition(s) not met; and
- B) All structures, buildings and car parking must comply with the Churton Park Village Concept Plan Requirements

For the avoidance of doubt, condition 7.1.2.7 for permitted activities does not apply to activities needing consent under this rule (i.e. buildings are not subject to the 500m<sup>2</sup> size limit), and any proposal not meeting B) above will default to a non-complying activity.

### Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

7.3.11.8 The Churton Park Village Concept Plan Map and Guiding Principles.

## 8.0 Insert new rule under 7.3 Discretionary Activities (Restricted) as follows:

### 7.3.12 Any type of subdivision of land or buildings anywhere within the Churton Park Village Concept Plan area is a Discretionary Activity (Restricted) in respect of:

7.3.12.1 Subdivision design and layout and the provision for future land uses anticipated by the Churton Park Village Concept Plan

7.3.12.2 Allotment size and location

7.3.12.3 Site Access

7.3.12.4 Pedestrian Access

7.3.12.5 Storm water management and effects on water bodies

7.3.12.6 Earthworks

7.3.12.67 The matters in rule 7.1.4 (7.1.4.1 to 7.1.4.8)

### Non-notification

In respect of rule 7.3.12 and matters of discretion 7.3.12.1 to 7.3.12.5 and 7.3.12.7, applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons. In respect of matters of earthworks 7.3.12.6, applications that meet the standards and terms do not need to be publicly notified however notice may be served on affected parties. applications that meet the standards and terms do not need to be publicly notified and do not need to be served on affected persons unless an application is also required under rule 7.4.5

### Standards and Terms

All subdivisions must meet the conditions Provision of Services (7.1.4.2), Legal Access (7.1.4.3), Vehicle Access (7.1.4.5), Earthworks undertaken (7.1.4.4), unless consent is concurrently sought under rule 7.4.5 in respect of the condition(s) not met. Additionally, all subdivision proposals must comply with the Churton Park Village Concept Plan Requirements.

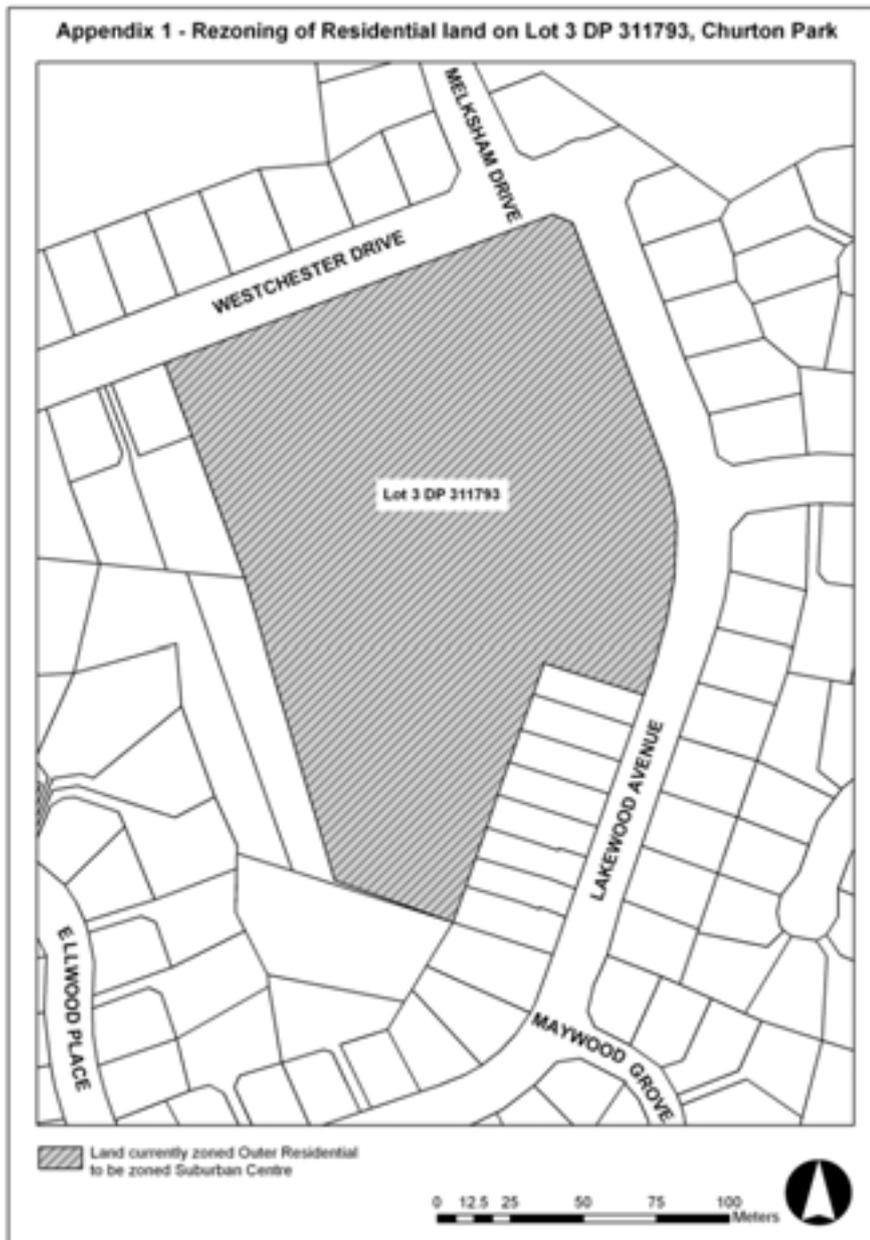
For the avoidance of doubt, any subdivision not meeting the concept plan requirements will default to a non-complying activity.

**Assessment Criteria**

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 7.3.12.7 The Churton Park Village Concept Plan map and guiding principles.
- 7.3.12.8 The requirements of Section 106 of the Act.
- 7.3.12.9 The extent of compliance with the relevant parts of the Council’s Code of Practice for Land Development.
- 7.3.12.10 The matters under conditions 7.1.4.1 to 7.1.4.8

**9.0 Amend planning map 26** by colouring the site on the south west corner of Westchester Drive and Lakewood Avenue for Suburban Centres zone as shown:



**10.0 Amend planning map 47** by including the following diagram identifying the display window and verandah requirements as shown:

