

# ***Proposed District Plan Change 67***

**Rezoning of 43 Spenmoor Street**

August 2008



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WELLINGTON CITY COUNCIL **Wellington**

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# **Proposed District Plan Change 67**

## **Rezoning of 43 Spenmoor Street**

### **Plan Change Document**

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*Note – The following represents a collection of key information extracted from the Plan Change Proposal. To inspect a full copy of the plan change (as proposed by the applicant, including the Section 32 Report ), please contact:*

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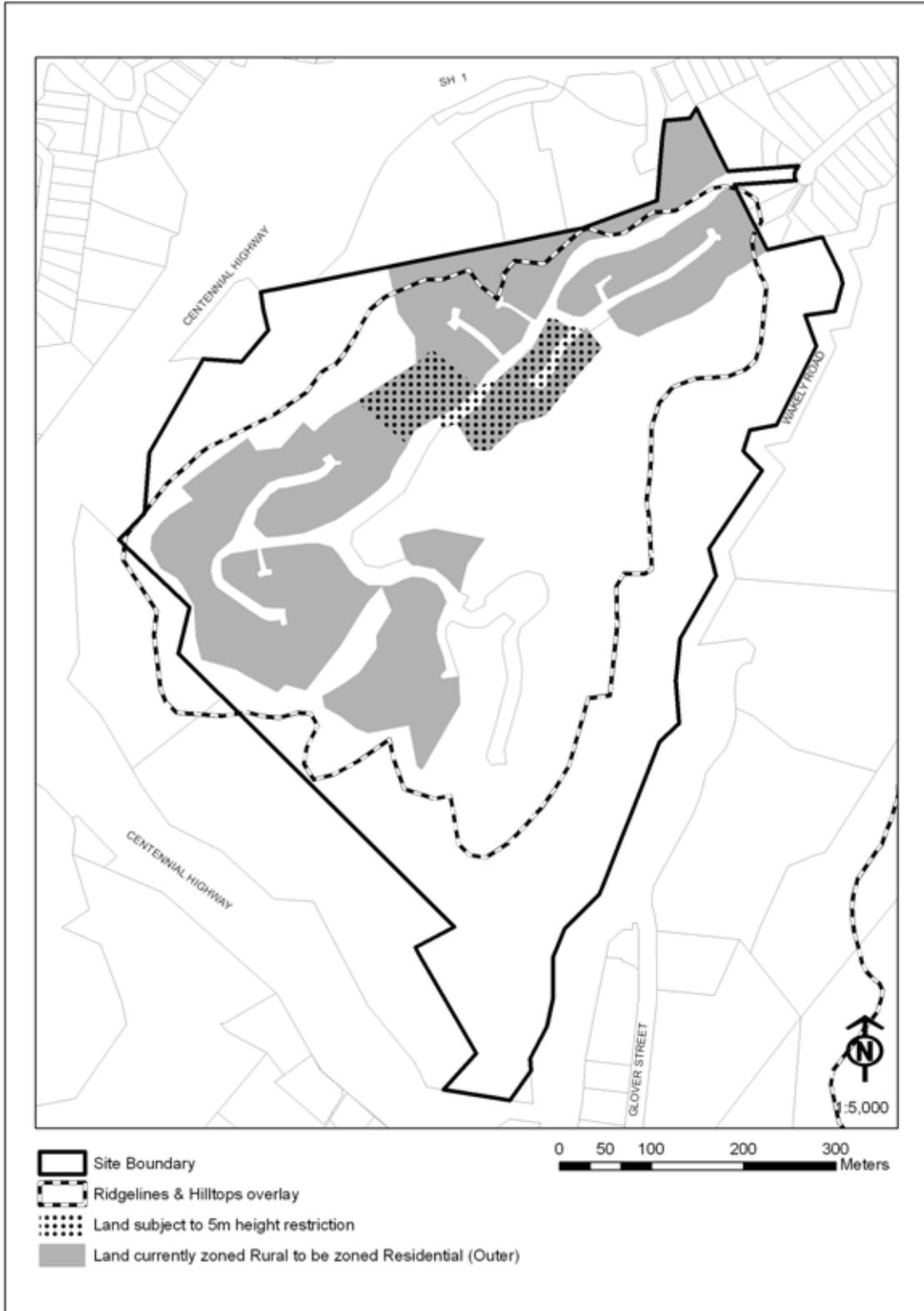
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#### **CONTENTS**

1. Zoning Map
2. Excerpt from Plan Change Application

## Amendments to Volume 3 - Maps

1. Amend Planning Maps 22 & 23 of the District Plan in accordance with the map shown below:



2. The following information is excerpt material from the applicant's Plan Change Document. It is provided to explain the proposal.



### 1.0 INTRODUCTION

This is an application to the Wellington City Council ("WCC") by Primeproperty Group Ltd ("the applicants") for a private plan change to the Wellington City District Plan to rezone an area of rural land to outer residential. The application includes the Application document, the Proposed Plan Change, the Section 32 Report, the Assessment of Environmental Effects and the following attachments:

1. Tse Group Plans
2. Landscape and Visual Assessment (Isthmus Group)
3. Traffic Assessment (Trafficconcepts)
4. Geotechnical Report (Samcon)
5. Certificate of Title
6. WCC Consent Decision Rural Residential Subdivision
7. Northern area –a Framework for growth management Map 1

### 2.0 Background

#### 2.1 The Applicants

The applicants are Primeproperty Group Limited.

#### 2.2 The Property

##### 2.2.1 Legal Description

The location of the property is 43 Spenmoor Street, Newlands - being Lot 1 DP 382626.

A copy of the relevant certificate of title is included in Attachment 5.

##### 2.2.2 Physical Description

The site is located in Newlands to the east of State Highway 1, and is accessed via Newlands Road, Wakely Street and Spenmoor Street. The site covers an area of just over 40 hectares.

The elevation varies between approximately 50 metres and 240 metres above sea level, and the site is basically a stand alone hill with a flattish top and steep sides. The steep slopes are covered in regenerating native vegetation, with some gorse and broom. The top is in a series of paddocks and has been grazed. There is one house and several farm sheds on the property with an access track from the end of Spenmoor Street.

The site and the area of the plan change are shown on drawing 152 in Attachment 1. The site is bounded as follows:

- On the north-east of the site is the existing urban subdivision served by Spenmoor Street.
- To the north-west is a developed commercial area, zoned Suburban Centre, facing SH1 and having access from Newlands Road.

- The remainder of the north-west boundary and all of the south-western are part of the steep slopes overlooking SH1 in Ngauranga Gorge.
- The eastern boundaries of the site are bordered by the unformed legal road (Wakely Road) and overlook the Glover Street commercial area.

The site context is described in more detail in the Landscape and Visual Assessment by Isthmus Group (Attachment 2)

### **2.2.3 Current Uses**

The site is largely undeveloped rural land with some areas of regenerating native bush in the gullies on the steeper slopes. Currently, roads and services are being provided for an approved 40 lot rural residential subdivision.

### **2.2.4 Approved rural residential subdivision**

In June 2006 council notified its decision to grant consent, subject to conditions, for a 40 lot fee simple subdivision on this site (Service Request No: 140292). A copy of the decision is included as Attachment 6. In its decision the committee noted that:

- The key landscape and ecological elements – the hilltops will not be affected and the regenerating native vegetation will actually be protected.
- Effects on immediate neighbours will generally be minimal.
- On balance, the effects are not more than minor.

The points noted above are equally valid in the context of this application.

The committee also noted that:

- The topography and landform of the subject site was such that no more than a quarter of the dwellings in the subdivision would be visible from any one perspective.

While the number of dwellings potentially visible from any viewpoint will increase both absolutely and as a percentage of the total potential dwellings, the landscape assessment clearly shows that only a portion of the plan change area is visible from any one viewpoint. The assessment also concludes that this is appropriate in the context of surrounding hill suburbs.

### **2.2.5 Indicative Subdivision Plan**

An indicative subdivision plan has been prepared for the area of the proposed plan change. This was done to enable the assessment of effects, particularly the landscape effects, to be based on a realistic proposal. As an indicative plan it has no status in relation to this application, which is purely for the plan change.

## 2.3 Infrastructure

Details of proposed infrastructure will be comprehensively addressed in a subsequent subdivision application. However, it is appropriate at the plan change stage to provide a clear indication of how the infrastructure needs of a potential residential subdivision can be accommodated. As construction is nearing completion on roads and services for the approved 40 lot rural residential subdivision, the comments that follow indicate the differences in service provision that could be required for a residential subdivision.

### 2.3.1 Roading

As the indicative subdivision plan (Drawing 152) shows, little additional roading would be required to service a 114 lot outer residential subdivision. The main additional elements are the four rights of way shown (unlabelled) on drawing 152.

### 2.3.2 Earthworks

The additional earthworks required if the indicative subdivision were to be built are shown in overview on Drawing 200 and in more detail on Drawings 201 to 204. Cross sections are shown in Drawings 220 to 223.

The nature and extent of the earthworks is shown in the following table:

Drawing		Cut (m <sup>3</sup> )	Max depth	Fill (m <sup>3</sup> )	Max height
201	Area 1	2,500	-3.14m	800	1.28m
201	Area 2	1,500	-2.97m	-	
202	Area 3	-		2,500	3.75m
203	Area 4	2,500	-1.98m	800	0.36m
204	Area 5	-		6,500	1.51m
204	Area 6	3,700	-1.98m	-	
<b>Total</b>		<b>10,200</b>		<b>10,600</b>	

In areas 1, 2, 4 and 6 the cuts are to enable rights of way to be constructed to the appropriate standard. Areas 3 and 5 are filled to avoid transporting the cut material off the site thereby achieving a cut-fill balance and reducing vehicle movements on the existing part of Spenmoor Street.

### 2.3.3 Water Supply

Water supply is currently provided from the end of Spenmoor Street. Both the council mains and the pipelines under construction have the capacity to service residential development of that part of the site which is subject to the plan change.

### 2.3.4 Stormwater

The stormwater system being built for the rural residential lots has, with some minor adjustments, got the capacity to accommodate the level of additional development that the plan change would enable.

### **2.3.5 Sewage**

A similar situation exists in relation to sewage where the existing council system and the new pipes under construction have the required capacity.

### **2.3.6 Power and Telecommunications**

Facilities currently under construction can readily be adjusted to accommodate the higher level of demand.

## **2.4 Issues**

The Northern Area Growth Management Framework recognises that “the immediate pressure for new urban development in the Wellington region is in the northern areas, from Johnsonville through to the Kapiti Coast.” It also notes that this northern corridor has both “room and demand for ‘greenfield’ subdivision.” (p4)

Council’s decision in relation to the application for a 40 lot rural residential subdivision recognised that retaining the area as wholly rural was not a viable or sustainable option. By providing for some development, areas of regenerating bush are able to be protected and the hilltop retained as rural.

Given the recognised need for, and benefits of, additional residential land adjacent to the existing urban area, the issue is whether it is appropriate to rezone some (43%) of the area (17.7ha out of a total of 41ha) from rural to residential.

The purpose of and reasons for the plan change are set out in section 4 below.

## **3.0 Process**

The process for dealing with a request for a private plan change has two main stages:

Council considers the request and decides whether to:

- adopt it
- accept it
- treat it as an application for resource consent
- reject it

Council subsequently considers the request on its merits and in the light of submissions received.

### **3.1 First Stage Consideration**

The first option available to Council is to adopt the request as if it were its own plan change and proceed to public notification.

The second option is to accept the request and proceed to notify it. This is considered to be the most appropriate response as it enables the request to be considered on its merits and in the light of public submissions in a timely manner.

Treating the request as an application for resource consent is not considered appropriate for the reasons set out in section 4.5.

In relation to the final option, clause 25 of the First Schedule to the Resource Management Act provides that the only grounds for rejection are:

- a) *The request or part of the request is frivolous or vexatious; or*
- b) *The substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years; or*
- c) *The request or part of the request is not in accordance with sound resource management practice; or*
- d) *The request or part of the request would make the policy statement or plan inconsistent with Part 5; or*
- e) *In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*

Dealing with each aspect in turn:

- The request is clearly not frivolous or vexatious; it is a carefully considered, rational and valid approach to the issues identified.
- As far as the applicants are aware, the issues raised have not been considered within the last two years.
- The request, and the proposal it seeks to enable, are consistent with sound (and sustainable) resource management practice as is apparent from the information and assessments accompanying the application.
- Part 5 of the RMA deals with the preparation and change of district plans and the request covers all the matters required to be considered by Council and demonstrates that the proposal would not be inconsistent with any of the matters referred to in Part 5 of the Act.
- As the District Plan has been operative since 2000, this option is not available to Council.

For the above reasons, it is considered that the request should not, or indeed cannot, be rejected by Council.

Overall, therefore, it is concluded that the most appropriate response for Council in relation to the request for a private plan change is to accept it and proceed to public notification.

### **3.2 Second Stage Consideration**

The merits of the change are for consideration at the second stage – after public notification and submissions. The matters to be considered at that stage are considered later in this application.

## **4.0 PURPOSE OF AND REASONS FOR THE CHANGE**

This part of the application will consider the rationale for the plan change in relation to the following:

- Existing uses
- Opportunities for residential development
- The approved rural residential development
- The growth strategy
- Plan provisions.

### **4.1 Existing Uses**

As noted earlier, the site is essentially an undeveloped rural area which is no longer viable for farming. It contains areas of regenerating native bush which are worthy of protection and hilltops which should remain undeveloped. The plan change would provide for the protection of the areas of regenerating bush through covenants and the hilltop area would remain in the rural zone.

### **4.2 Opportunities for Residential Development**

Few sites of the size proposed by the plan change (17.7ha) are available in the northern part of Wellington which provide the combination of attributes and opportunities that this land displays:

- It is a logical extension of the existing urban area
- It is well connected to the existing community
- It is close to the main access to the city
- It enables flexibility for design and density options within the outer residential rules
- It recognises and protects the areas of regenerating bush

### **4.3 The Approved Rural Residential Development**

The approved subdivision contains 40 lots ranging in size from 1,600m<sup>2</sup> to 40,840m<sup>2</sup>. The balance lot which includes the hilltop will remain rural under this plan change and 8 of the approved rural residential lots totalling some 13.4ha are not included in this application.

These are lots 112-118 & 120 on drawing 152 – on the approved rural residential subdivision (plan C905C) they are lots 31, 32 & 35-40.

The protection afforded to the regenerating bush and the steeper slopes by the covenants will continue under this proposal.

#### **4.4 The Growth Strategy**

Discussion of the Northern Growth Area framework is contained in section 7.1 which concludes that the proposed plan change is both consistent with and supportive of the growth strategy. Section 7.2 considers the Wellington Regional Strategy and also concludes that the proposed plan change is both consistent with and supportive of the regional strategy.

#### **4.5 Plan Provisions**

While the current rural zone provisions of the plan have enabled consent to be granted for a 40 lot subdivision, this is for rural residential development. An application for a residential subdivision of the scale and nature envisaged by the plan for an outer residential area would have to be considered as a non-complying activity. In terms of section 104D of the Act, such an application would be highly unlikely to be seen as having minor adverse effects on the environment or not being contrary to the current rural area objectives and policies of the plan.

### **5.0 THE PROPOSED PLAN CHANGE**

#### **5.1 Introduction**

The proposed plan change is essentially the simple rezoning of part of the site - the 17.7ha of land shown yellow on Drawing 152 in Attachment 1 from Rural to Outer Residential. This requires an amendment to Planning Maps 22 & 23 and the inclusion of a new appendix in chapter 5 of the District Plan.

#### **5.2 Zone Boundaries**

The proposed zone boundaries have been designed to:

- Fit the area for housing development into the landform and landscape of the site;
- Respect the areas of regenerating native vegetation by excluding them from the residential zone;
- Avoid development on the higher parts of the site to keep the hilltop open and avoid the risk of encroaching into airport flight paths;
- Maintain options for future connections in terms of footpaths, walkways and cycleways.

### 5.3 Objectives, Policies, Methods and Outcomes

The present objectives, policies, methods and outcomes for residential areas as set out in Chapter 4 of the Plan, as amended by recent plan changes, are considered to be appropriate for this area and no changes are considered necessary.

### 5.4 Rules and Standards

The present rules and standards for residential areas as set out in Chapter 5 of the Plan, as amended by recent plan changes, are considered to be appropriate for this area and no changes to them are considered necessary. However, it is considered appropriate for there to be additional rules for the area of the plan change to give effect to the recommendations in the landscape assessment.

The proposed new appendix and its related map are in 5.6 below

### 5.5 Consequential Amendments

The only consequential amendments that have been identified as being necessary following approval of the proposed plan change are the inclusion of the new appendix at the end of Chapter 5.

### 5.6 Proposed Appendix

#### **Appendix XX. Subdivision and development Outer Residential, Part Lot 1 DP 382626, Spenmoor Street, Newlands**

The following provisions are a result of Plan Change XX to rezone Part Lot 1 DP 382626 from Rural to Outer Residential.

#### **The following rules apply:**

#### **5.6.1 Residential Buildings**

Residential buildings are a permitted activity in the residential area provided they comply with the conditions set out in Rule 5.1.3. In relation to building height, Rule 5.1.3.4.2 specifies a maximum height of 8m with two exceptions (in Roseneath and Island Bay). The following additional exception is added:

In the Spenmoor Street area as delineated on the attached plan as “Land subject to a 5m height restriction”, the maximum height of dwellings and other buildings on new lots is 5m.

Cladding and roofing materials are not included in the conditions for residential buildings in rule 5.1.3. However, in the Spenmoor Street area the following additional condition is added:

External cladding and roofing materials for all buildings are restricted to those with low reflective qualities. External colours are restricted to subdued natural tones.

### **5.6.2 Subdivision**

As the area is included in the Ridgelines and Hilltops overlay, all subdivision is a Discretionary Activity (Unrestricted) and Rule 5.4.5 applies with the following additions:

### **5.6.3 Additional Standards and Terms**

Building platforms shall be shown for each lot in any subdivision application.

A landscape plan and written specifications must be included with any subdivision application. The landscape plan shall include:

- Areas of existing pines to be retained;
- Location and extent of any fencing of covenanted bush;
- Location and extent of any pest animal control program;
- Street tree and associated public area landscape planting
- Identification of internal access ways, public furniture and areas, including any proposed foot paths, seats, etc.

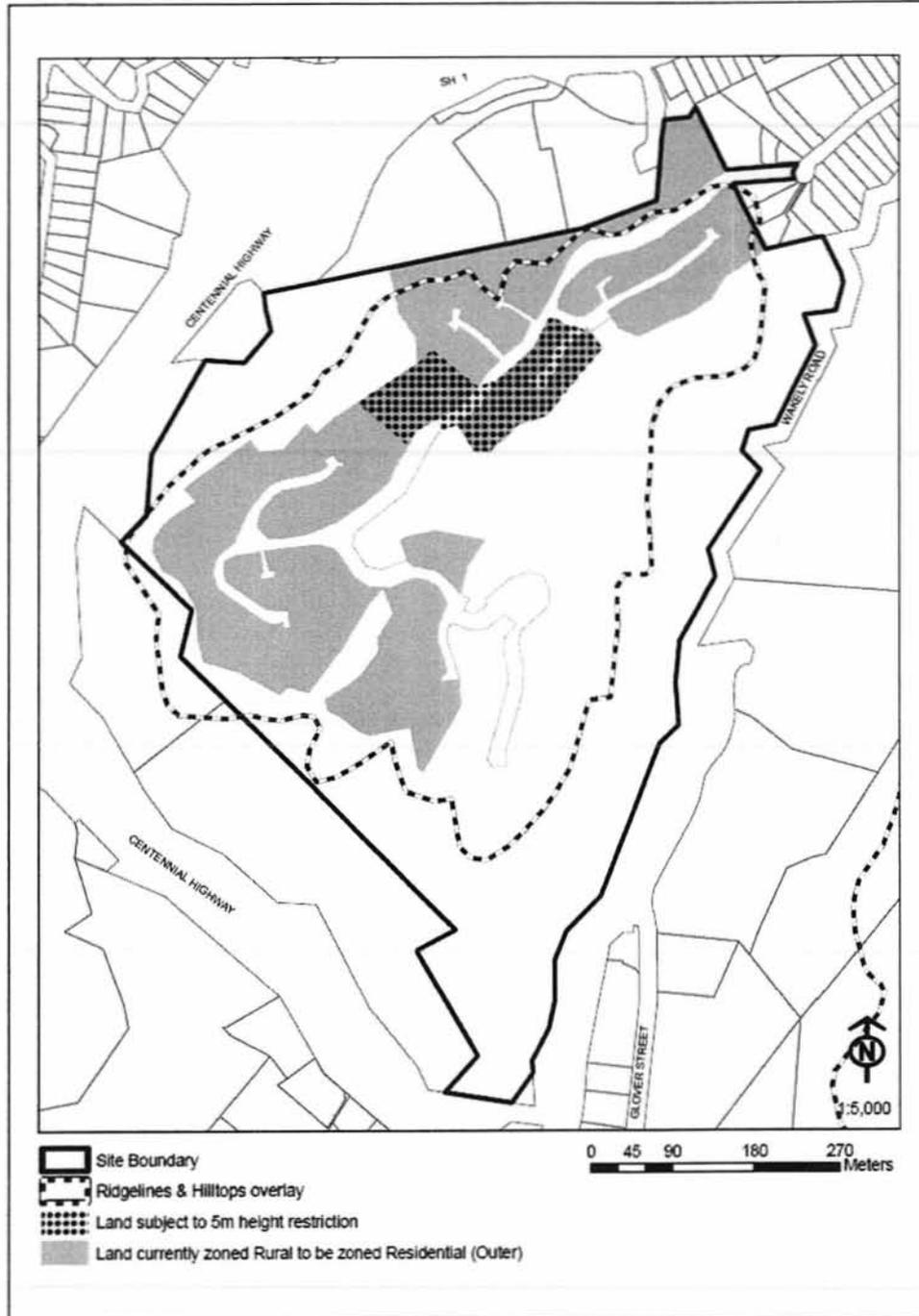
### **5.6.4 Additional Assessment Criteria**

The extent to which any earthworks blend into adjoining landforms.

The level of protection afforded to covenanted areas of regenerating indigenous vegetation.

The appropriateness of the landscape plan.

Proposed Appendix XX Map



- consideration of whether the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom
- effects on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects
- physical effects on the locality, including any landscape and visual effects
- effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity
- effects on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations
- any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants
- any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations

Each of these elements is now considered in turn.

## **8.2 Description of the Proposal**

The proposed plan change has been described earlier (Section 5.0).

## **8.3 Alternative Locations or Methods**

No alternative locations have been considered as the plan change is specific to this site. The only alternative method to achieve the objective sought by the plan change would be a resource consent. Given the scale and nature of the proposal, it is unlikely that an application for residential development would be able to pass either of the threshold tests of s104D. Therefore, this would not be a viable alternative.

## **8.4 Actual or Potential Effect on the Environment**

The attached Landscape and Visual Assessment provides an overview, at a level appropriate for a plan change, of the key features of the physical environment.

### **8.4.1 Landscape and Visual Assessment**

The conclusions of the assessment are:

- 8.1 The current site, although located within the identified Ridgelines and Hilltops classification, has few qualities requiring protection other than the higher open landforms which are to be undeveloped and remain as Rural zoned land.*

- 8.2 *The proposed outer residential zone would appear as an extension of suburban Newlands and its development is appropriate as part of the WCC Northern Growth Management Framework, and while it represents an intensification of development from the consented 40 lot Rural Residential development, is appropriate in the context of surrounding hill suburbs and the level of landform change which has taken place as part of the consented development.*
- 8.3 *The proposed plan change area and provisions relate to the natural landform and visual qualities of the site while being consistent with the objectives and policies of the operational and proposed sections of the District Plan.*
- 8.4 *The road layout and development approach is an enlargement of existing infrastructure, appears logical and responds to the landform.*
- 8.5 *The landform changes are relatively standard for this type of development and not inappropriate to the area in general.*
- 8.6 *The landscape effects which are largely contained within the site, are moderate but do not affect areas of significance, while the development has the ability to integrate itself into the surrounding suburban context while maintaining an open space aspect from the more distant views around the harbour.*
- 8.7 *Mitigation measures will assist in the long-term maintenance and enhancement of the residential amenity of surrounding suburbs.*
- 8.8 *Overall, it is considered the proposed plan change would have no more than minor adverse landscape and visual effects, if the mitigation recommendations are implemented through inclusion as rules in the plan change document.*

#### **8.4.2 Vegetation and Wildlife**

The study area is largely free of natural native vegetation and significant wildlife habitats and so the proposed development will not have any direct impacts on flora, fauna or habitats.

#### **8.4.3 Air Quality**

The ambient air quality in the proposed zone is very good and the proposed change will have no adverse effects.

#### **8.5 Use of Hazardous Substances**

None of the activities envisaged for the area are likely to use hazardous substances, other than at normal domestic activity levels.

#### **8.6 Contaminants and the Receiving Environment**

Only normal domestic activities are envisaged for the area and contaminants are not expected to have even minor effects on the receiving environment.

## 8.7 Mitigation Measures

Since the fundamental principles underlying the development of the proposal are based on sound environmental factors, it is not surprising that environmental measures are included as an integral part of the plan change. The intention behind these is the enhancement of the environment of the area, but they could also be considered as mitigating factors. They include:

- The location of areas where outer residential housing is considered appropriate takes explicit account of landforms, landscape and visual amenity;
- The location and design of roads and building platforms will minimise earthworks and construction will be managed to avoid impacts such as noise, dust and silt;
- Areas of regenerating native vegetation will be protected;
- Additional rules in the plan relating to height, landscape, fencing, pest control, external cladding and roofing materials.

The specific mitigation measures recommended in the landscape assessment are:

1. *As much as practical, shape all fill and cut batters to blend into adjoining natural contours avoiding sharp, straight edges to any platforms. The creation of curvilinear forms to match spurs that are retained will assist the integration of the earthworks. While bulk earthworks are essentially complete, this recommendation applies to incorporation of existing earthworks into the balance of the site, and site specific earthworks.*

The detailed design of the additional earthworks, at the time of subdivision, will take this into account. The present earthworks for the rural residential subdivision were designed in accordance with this principle.

2. *Ensure silt and sediment control measures are visually sympathetic in protecting the vegetated slopes below the proposed development, while minimising the visual effects.*

Silt and sediment control measures already in place have respected this and any new measures, at the time of subdivision, will do likewise.

3. *Ensure retention [by covenant if necessary] of selected existing pine trees around the boundary of the property. These are indicators of prior land use and given the scarcity of vegetation overall will remain an important aspect of this site, at least in the short term. They would also assist in sheltering any newly proposed planting throughout the site, and provide some visual integration with site development.*

A new rule is proposed requiring the preparation of a landscape plan as part of an application for subdivision. The selection of pine trees worthy of protection and appropriate methods of retention can be included in this plan.

- 4 *Implementation of a co-ordinated design guide approach to the building appearance within the development by utilising a limited palette of building materials and colours with low reflectivity which would assist in diminishing the potential impact of new structures to the site. This could be achieved by the inclusion of an appropriate rule in the Plan Change*

A condition to this effect was included in the consent for the rural residential subdivision and has been included in the additional rules recommended for inclusion in the plan change.

- 5 *Consideration should be given to the discreet placement of subsidiary buildings, fences and planting within the proposed lots. An option for managing this aspect of development could be the drafting of a Deed of Covenant or comprehensive design guidelines relating to building height, scale, form, fencing, subsidiary buildings and structures, and planting.*

These matters can be addressed in the landscape plan which is required to be prepared as part of the application for subdivision consent.

- 6 *Individual property owners should be encouraged to extend the covenant line on their properties where gullies or tracts of young native bush will allow regeneration.*

The extension of covenants can be promoted, and provided for at the time of subdivision and/or sale.

- 9 *The edges of existing re-generating indigenous vegetation should be fenced, planted (where appropriate) and protected from browsing pests.*

This matter will be addressed in the landscape plan prepared at the time of subdivision.

## **8.8 Consultation**

Consultation undertaken in the context of this application and the previous rural residential consent application is discussed in section 9.

## **8.9 Monitoring**

The plan change will not require any special or additional monitoring activity – the current levels of monitoring by both the city and regional councils is considered appropriate.

## **8.10 Effects on the Neighbourhood and the Wider Community**

### **8.10.1 Aesthetic**

The main aesthetic effect will be on the landscape of the site – only parts of the proposed development will be visible from beyond the zone boundary. As the landscape assessment concludes, the proposed development would have no more than minor adverse landscape and visual effects.

## 8.17 Traffic Effects

The Traffic Assessment considers a wide range of aspects of the plan change, its key findings are:

- Spenmoor Street has the capacity to safely accommodate another 500 new homes.
- The Spenmoor Street/Wakely Road/Lyndfield Lane intersection can accommodate the additional traffic generated by the new lots. A roundabout is suggested after the first 60 lots are completed to improve the level of service and safety at the intersection.
- The proposal will have very little impact on the effective operation of the Wakely Road/Newlands Road intersection. It is easily able to accommodate the increased traffic flows created by the proposal and therefore does not require any improvements.
- The proposed development may make upgrading the existing bus service viable.
- The proposed development is considered to have positive benefits in terms of accessibility for pedestrians and cyclists.

The Traffic Assessment concludes by stating the zone change can be accommodated within the surrounding road environment with no noticeable effects on the current levels of safety and efficiency experienced by existing road users.

## 8.18 Economic Aspects

The plan change will enable a greater number of dwellings to be built on the site which will benefit the construction sector. The increase in population will result in an increased level of economic activity which will flow through to city businesses and the development will also increase the city's rating base.

## 8.19 Summary and Conclusions

The above Assessment of Environmental Effects when taken in conjunction with the other material in this application leads to the conclusion that the impacts of the development will be minor and the benefits considerable. The opportunity arises for any further specific (or micro) effects to be considered at the time of resource consent application.

The impacts are considered minor because they are largely contained within the site and the effects beyond the site itself are limited to relatively minor and manageable increases in traffic.

The benefits include:

- Logical extension of the existing urban area making better use of the land and infrastructure
- Provision of much needed housing land close to the city centre