

# ***Proposed District Plan Change 68***

**Ngauranga Forest rezoning**

August 2008



**Absolutely**

**POSITIVELY**

ME HEKE KI PŌNEKE  
WELLINGTON CITY COUNCIL **Wellington**

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# **Proposed District Plan Change 68**

## **Ngauranga Forest rezoning**

### **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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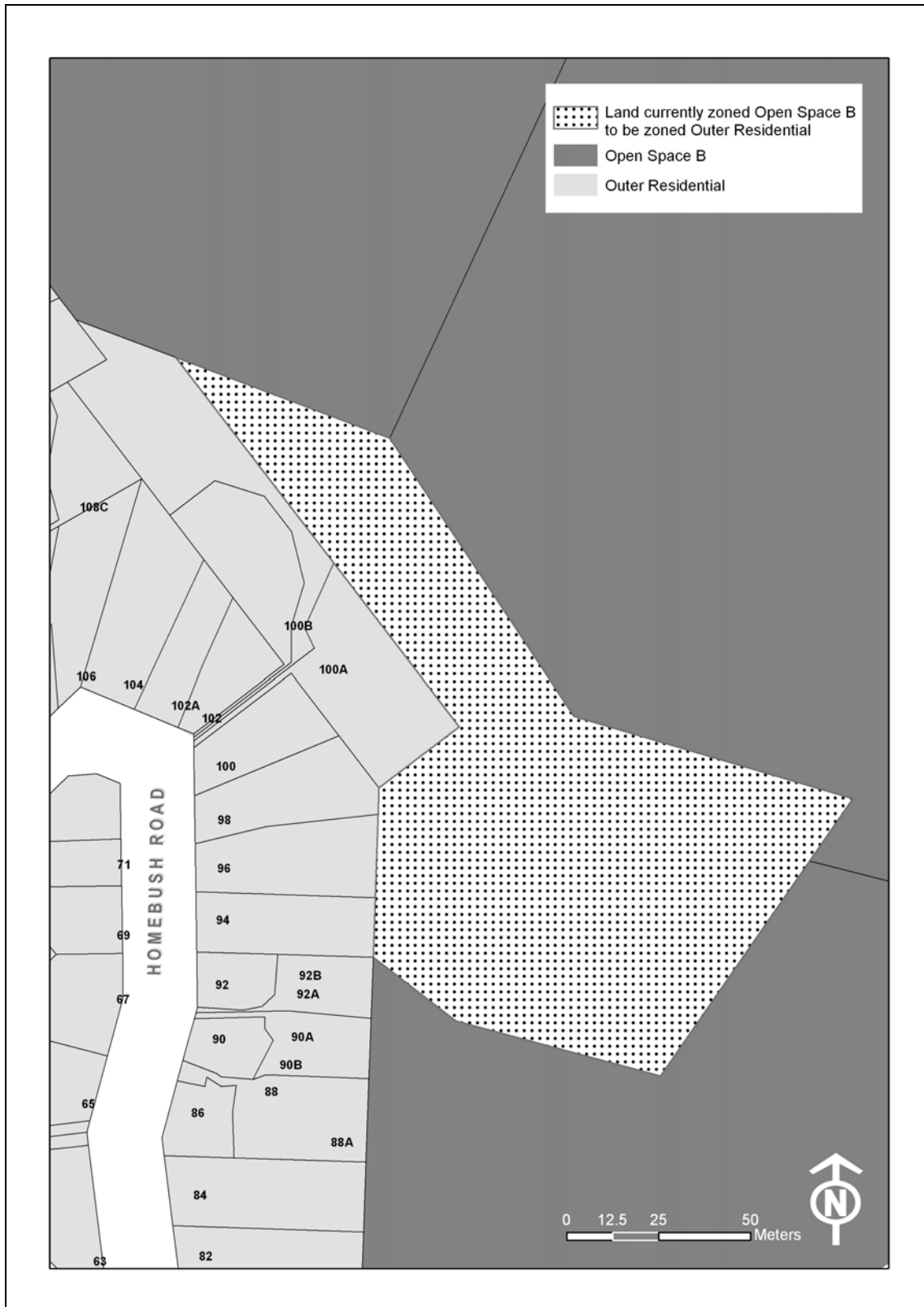
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#### **CONTENTS**

1. Zoning Map
2. Excerpt from Plan Change Application

## Amendments to Volume 3 - Maps

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



## **Excerpt from Plan Change Application**

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

## **2.2.2 Physical Description**

The site is located in Khandallah to the east of Homebush Road, and is accessed via 98 Homebush Road. The proposed plan change covers an area of 1.2 hectares and is part of two lots of 9.15ha and 5.71ha.

The elevation varies between approximately 52 metres and 130 metres above sea level, and the site is basically a narrow, flattish spur with steep sides. The steep slopes are covered in regenerating native vegetation, with some exotic species. The northern and eastern sides of the site are part of a stand of pines.

The site is bounded, as shown on Drawing 130, as follows:

- On the north and east of the site is the existing regenerating bush and pine plantation.
- To the west is the developed residential area fronting Homebush Road.
- The south-west and south-east boundaries are part of the steep slopes overlooking Jarden Mile and SH1.

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

## **2.2.3 Current Uses**

The site is partly undeveloped land with some regenerating native bush and a pine plantation of approximately 6ha. There is no practical access to most of the site at present.

## **2.2.4 Zoning**

Under the operative District Plan, the land is zoned Open Space B (Natural Environment). The plan states that this is land valued for its natural character and informal open spaces. The plan's intention is to keep such land in an unbuilt or natural state.

## **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. An indicative subdivision has been created to provide a realistic basis for assessing the potential effects of the plan change.

### **2.3.1 Roading**

As the indicative subdivision plan shows, access to the area could be provided through 98 Homebush Road and would involve the creation of a series of low impact rights of way to service the potential lots. The entranceway to the area would be through the property at 98 Homebush Road. This access would be 5.5m wide for the first 12m and 3m wide thereafter.

A passing bay would be accommodated adjacent to the boundary between lots 12 and 13. A one metre wide footpath would be provided along the southern side of the access road.

### **2.3.2 Water Supply**

Water supply is currently provided in Homebush Road. The council mains have the capacity to service residential development of that part of the site which is subject to the plan change.

### **2.3.3 Stormwater**

A stormwater system can be designed to effectively accommodate the drainage requirements of the proposed development.

### **2.3.4 Sewage**

A similar situation exists in relation to sewage where connection can be made to the existing council system.

### **2.3.5 Power and Telecommunications**

Utility providers have confirmed the availability and capacity of such services.

## **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)

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 (8.1%) of the area (1.2ha out of a total of 14.8ha) from Open Space B 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 use
- Opportunities for residential development
- The growth strategy
- Plan provisions.

### **4.1 Existing Use**

As noted earlier, the site is essentially an undeveloped open area which contains areas of regenerating native bush and some plantation pines. The plan change would provide for a small area to be rezoned residential with the bulk of the land, almost 92%, remaining in the Open Space B zone.

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

Few sites of the nature of that proposed by the plan change are available in this 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

### **4.3 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.



## **4.4 Plan Provisions**

In relation to the rules for Open Space B, an application for a residential subdivision is likely to have to be considered as a non-complying activity. In terms of section 104D of the Act, such an application would probably not be seen as having minor adverse effects on the environment or not being contrary to the current Open Space B objectives and policies of the plan.

It should also be noted that it is considered that Open Space B zoning is not appropriate for land in private ownership. This matter is discussed later in section 9.11.

## **5.0 THE PROPOSED PLAN CHANGE**

### **5.1 Introduction**

The proposed plan change is essentially the simple rezoning of the 1.2ha of land shown yellow on Drawing 130 in Attachment 1 from Open Space B to Outer Residential. This only requires an amendment to Planning Map 22.

### **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.

### **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, and as amended by recent plan changes, are considered to be appropriate for this area and no changes or additions 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 or additions are considered necessary.

### **5.5 Consequential Amendments**

No consequential amendments have been identified as being necessary following approval of the proposed plan change.

## **6.0 S32 REPORT**

### **6.1 Key Requirements**

The Act requires that a section 32 report:

must examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

must take into account:

- the benefits and costs of policies, rules, or other methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

### **6.2 Structure of the Report**

The basic structure of the report is:

- Identification and articulation of the issues that the change is seeking to address and the rationale behind the change application
- Consideration of objectives and alternatives, and evaluation of the appropriateness of the objectives selected
- Consideration of policies and alternatives, evaluation of the appropriateness of the policies selected and their benefits and costs
- Consideration of methods and alternatives, evaluation of the appropriateness of the methods selected and their benefits and costs
- Risk Assessment
- Summary and conclusions

### **6.3 Issues**

The issues that the change is seeking to address and the rationale behind the change application are set out in sections 2.3 and 4 above. The issues are:

- The most appropriate use for the site
- The most appropriate zoning for the site
- The best way to achieve these

## **6.4 Objectives and Policies**

The objectives and policies sought by the plan change are the replacement of the Open Space B objectives and policies by those for the residential area.

The residential objectives and policies are appropriate in terms of their efficiency and effectiveness for the following reasons:

- They have been tested through the process of preparing the District Plan and its adoption and becoming operative
- They have previously been subject to a s32 analysis as part of the above process
- The residential zone objectives and policies have been specifically designed to relate to residential areas
- It is appropriate to apply them to this area as it is a logical extension of the urban area of the city

Alternatives to the adoption of the residential area objectives and policies are:

- To continue with the Open Space B zone objectives and policies which effectively seek to preclude the type of development that the change seeks to facilitate
- To provide site specific objectives and policies which would, in effect, create a new zone. This would not be efficient as the current objectives and policies are appropriate, relevant and tested.

## **6.5 Benefits and Costs**

### **6.5.1 Social**

The social benefits of applying the existing residential objectives and policies to this site flow from the understanding of them by the community that has developed over the years and the consistency of approach inherent in applying the same objectives and policies to all residential areas.

### **6.5.2 Economic**

The economic benefits primarily lie in avoiding the need to formulate new and different objectives and policies and in avoiding ongoing interpretation and application costs.

### **6.5.3 Environmental**

The environmental benefits lie in the recognition of the appropriateness of the residential provisions, while the environmental costs relate to the slight reduction in open space that the change would bring about.

## **6.6 Methods (1) – The Plan Change Application as a Method**

The only alternative to a plan change in this case would be an application for resource consent. As noted in 4.5 above, such an application would be highly likely to be rejected as it could not pass one of the “threshold” tests of s104(D) of the RMA.

## **6.7 Methods (2) – Methods in the Plan Change**

The methods proposed are those currently applying to the Residential Area which are tried and tested. No other methods have been considered.

## **6.8 Assessment of Risks**

Section 32(4)(b) requires the report to include an evaluation of:

*“The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.”*

The risks associated with the plan change are well understood. There are no real uncertainties or insufficient information to be considered. The real issue is that the risks attached to not proceeding with the plan change are likely to include:

- Lost opportunities for residential development
- Underutilisation of land and infrastructure

## **6.9 Summary and Conclusions**

The analysis demonstrates that the objectives and policies are appropriate, efficient and effective in addressing the issues. The assessment of alternative methods shows that the plan change mechanism offers the best solution. Consideration of the costs and benefits, in social, economic and environmental terms, demonstrates the advantages of pursuing the plan change – and the fact that there are few disadvantages, and that they are minor.

## **7.0 STRATEGIC CONTEXT**

### **7.1 Northern Area Growth Framework**

“Northern area – a Framework for growth management” provides a ‘strategy for achievement’ for the future development of the northern part of Wellington City. While the site which is the subject of this application is just outside the boundary of the northern area, it is considered that the principles underpinning the growth strategy are also relevant to this site. Map 1 from page 7 of the Growth Framework is reproduced in Attachment 6 with the site of the proposed plan change highlighted.

The Wellington City Council has opted for a strategy of a ‘moderate level of growth’ in the northern area and the document identifies areas for new development in the northern area.

The aim of the document is to build on the themes of liveability, sustainability, accessibility, connectivity, and prosperity to manage urban growth to ensure the city's development is sustainable. The underlying principles of this managed growth are stated as follows;

- The northern area will be the primary location for 'green fields' residential development.
- The economic, social and environmental costs of urban development will be reduced.
- The links with the city and wider region will be acknowledged and built upon.
- The northern suburbs area will be characterised as largely residential, with a mixture of low, medium and high density housing.
- Density should be higher near transport modes.
- Residential development should build on and strengthen existing communities.
- There will be a strong distinction between urban and natural environments.
- Residential development should follow an integrated urban planning approach to subdivision and neighbourhood design that recognises landform and other natural features.
- Infrastructure will be used efficiently and sensibly and will be provided at an early stage of subdivision development.

The proposed plan change, subject of this application, is consistent with, and supportive of, the managed growth strategy framework for the northern area of Wellington City for the following reasons;

- The overall strategy for the northern areas of the City is one of moderate growth; the proposed plan change would provide for integrated and well-planned residential development consistent with the strategy.
- The application site, although just outside the northern area, is an area suitable for residential development.
- Infrastructure including roads, sanitary sewer, water supply and storm water disposal has been appropriately planned for.
- The overall design, including the earthworks, recognises landform and other existing natural features.

## **7.2 Wellington Regional Strategy**

The Strategy's "overarching principles for promoting sustainable prosperity for the Wellington Region" are stated on p63 and include six sustainable urban development principles. Although the plan change relates to an Open Space B area, it is considered that

the principles have validity for most development. They are quoted below with comment on their applicability to the Ngauranga Forest situation.

<b>Principle</b>	<b>Comment</b>
<p><b>1. Well structured and designed</b>  <i>Urban areas, places and spaces have a high standard of design.</i></p>	<p>The provisions of the operative plan for residential areas, including the residential design guide, will ensure high standards are achieved.</p>
<p><b>2. Delivers good access</b>  <i>People and businesses are able to easily access services and facilities.</i></p>	<p>Access will be provided in accordance with appropriate Council standards.</p>
<p><b>3. Respects local sense of place and identity</b>  <i>Respects cultural values, including the character, sense of place, identity of local areas, places, heritage and areas of significance to Tangata Whenua.</i></p>	<p>The proposal is a logical extension of the existing urban area in this location and reflects its local identity and sense of place.</p>
<p><b>4. Maintains and protects natural systems</b>  <i>Urban form maintains vital life supporting functions of the environment.</i></p>	<p>The proposal represents an extension to the existing urban area and will not affect vital life supporting functions.</p>
<p><b>5. Mixes natural spaces and built urban areas</b>  <i>There is a high degree of interweaving of natural and built urban areas.</i></p>	<p>Natural areas above, below and to the east of the plan change area are retained in Open Space B zoning.</p>
<p><b>6. Copes with change</b>  <i>Urban form is responsive to changing demands and technologies and provides a range of opportunities and alternatives.</i></p>	<p>The area proposed for residential development provides opportunities for different types of housing.</p>

Overall, it is considered that the proposed plan change is consistent with and supportive of the main thrust of the Wellington Regional Strategy.

### **7.3 National Issues**

The availability of land for housing development is seen as an issue at the national level, with the main problems being perceived to be in the metropolitan centres. Although household size, composition and tenure are expected to change somewhat in the future, a recent BRANZ report suggests that the demand for new dwellings in the Wellington region in the 2007-2016 period will be of the order of 1,953 per year, and this figure will increase to 2,318 in the 2017-2026 period. (Source: BRANZ Study Report No.183 (2007) Changing Housing Need by I C Page, Table 4, page 23)

## **8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **8.1 Introduction**

The assessment addresses the legislative requirements in a structured and comprehensive way. It is based on information from recognised and experienced practitioners in the fields of:

- Landscape and ecology
- Traffic
- Geotechnical
- Planning and resource management

#### **8.1.1 Legislative Requirements**

The Act's requirements for an assessment of environmental effects are contained in the Fourth Schedule which states that it should include:

- a description of the proposal
- consideration of any possible alternative locations or methods for undertaking the activity
- assessment of the actual or potential effect on the environment of the proposed activity
- statement on the use of hazardous substances
- the nature of any contaminants to be discharged and the sensitivity of the proposed receiving environment; plus consideration of any possible alternative methods of discharge, including discharge into any other receiving environment
- description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect
- identification of those persons interested in or affected by the proposal, the consultation undertaken, [if any] and any response to the views of those consulted
- 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 in Section 5.

## 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. The conclusions of the assessment are:

- 9.1 *Considered in a broad landscape context, a plan change from Open Space B to Residential will have only minor landscape and visual effects. These effects will be mostly of a temporary nature during construction, providing the level of earthworks are carried out as described in the proposals prepared by Tse Group and building location and design is handled in an environmentally responsive fashion. That is, buildings are sited and designed specifically for each site, whether they are single dwellings or multi unit dwellings.*
- 9.2 *Residential development on the site, when viewed from even middle distance locations, such as from the harbour or Petone foreshore, is likely to appear as an extension of the existing residential housing in Cashmere. Developing a small enclave of residential properties immediately adjoining a well established residential area and that can be readily linked to existing services is consistent with Wellington City Council's policies and initiatives for infill suburban residential development. That the 16 proposed allotments can be serviced via a single ROW that meets all the traffic and safety requirements, is also a positive advantage. The subdivision proposal will require only modest earthworks and a small number of mostly low retaining walls apart from at the Homebush Road entrance.*



- 9.3 *The proposed change of zoning and the subsequent residential development will however, significantly change the landscape character of the site. What is currently an essentially unmodified spur surrounded by steep gullies and hill slopes and covered mostly in a mix of young regenerating native and exotic vegetation and without buildings, will become an enclave of residential properties. Residential development of the site will have potentially adverse landscape and visual effects for residents in neighbouring properties.*
- 9.4 *The level of effects on the residents of these properties is unable to be determined, given that there have not been site visits to the properties or dwellings. To fully assess landscape and visual effects from these properties will require a site visit to each and possibly the preparation of visual simulations and other graphics to help assess and illustrate potential effects and also any landscape mitigation measures that could be implemented.*
- 9.5 *The ROW and the associated steel and timber infill retaining wall will be clearly visible from Homebush Road and will have potential adverse landscape and visual effects from the adjoining residential property at No.96. However, the height of the wall will not breach the sunlight access plane and mitigation planting between the base of the retaining wall and the southern site boundary will help to mitigate these effects.*
- 9.6 *The existing vegetation on the spur is of low ecological value. While some young regenerating native vegetation is present there is a considerable amount of exotic scrub, including pest plants. The native vegetation below the spur and in the gullies is more advanced but it is still of limited value. The stand of pines is important visually and in terms of its contribution to landscape character but it has low ecological value. Collectively, however, all of the vegetation on the site has open space values, especially from a neighbourhood perspective.*
- 9.7 *Landscape and mitigation measures could be implemented at the time of subdivision to reduce the level of landscape and visual effects of residential development and the loss of open space in the neighbourhood. These measures, such as retention of key areas of vegetation, tree planting and revegetation, design of the ROW and structures such as walls, and form and design of buildings on particular lots, together with other requirements as proposed in Plan Change 56 would help to reduce and/or mitigate adverse landscape and visual effects.*

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.

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

The Landscape and Visual Assessment notes (9.7) that:

*Landscape and mitigation measures could be implemented at the time of subdivision to reduce the level of landscape and visual effects of residential development and the loss of open space in the neighbourhood. These measures, such as retention of key areas of vegetation, tree planting and revegetation, design of the ROW and structures such as walls, and form and design of buildings on particular lots, together with other requirements as proposed in Plan Change 56 would help to reduce and/or mitigate adverse landscape and visual effects.*

## 8.8 Consultation

In making a request for a plan change, the First Schedule to the RMA requires that account be taken of the Fourth Schedule – Assessment of Effects on the Environment. Clause 1 of this schedule includes the following as a matter that should be included in an assessment of effects on the environment:

*“(h) An identification of those persons interested in or affected by the proposal, the consultation undertaken, if any, and any response to the views of those consulted.”*

Since the local community will have an opportunity to comment once the plan change is notified no preliminary consultation has been undertaken at this stage.

### 8.8.1 Wellington City Council

Discussions have held at various times with council officers. The matters raised in these meetings have been addressed in this application where appropriate. Some of the points made will be fully developed in the subdivision consent application.

### 8.8.2 Greater Wellington Regional Council

The matters of potential concern to GWRC are traversed in this application at a level appropriate to a plan change.

### 8.8.3 Utility Companies

All relevant utilities have been consulted and none have issues related to servicing the proposal.

## 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. The Landscape and Visual Assessment notes that:

- *Considered in a broad landscape context, a plan change from Open Space B to Residential will have only minor landscape and visual effects.(9.1)*
- *Residential development on the site, when viewed from even middle distance locations, such as from the harbour or Petone foreshore, is likely to appear as an extension of the existing residential housing in Cashmere.(9.2)*
- *Residential development of the site will have potentially adverse landscape and visual effects for residents in neighbouring properties.(9.3)*

### 8.10.2 Scientific

There are no known areas of scientific significance within the area. As the Landscape and Visual Assessment notes (9.6) *the existing vegetation on the spur is of low ecological value.*

### 8.10.3 Historical, Spiritual, and Cultural

There are no known areas of historical, spiritual or cultural significance in or adjacent to the area of the plan change.

## 8.11 Physical Effects on the Locality

The main physical effects arise from the earthworks and the construction of rights of way and dwellings. Their visual impact is considered in the landscape assessment and the detailed measures to address stormwater, erosion and silt control will be addressed in a subsequent application for subdivision consent.

The Geotechnical assessment concludes that:

- *There are no significant geotechnical issues preventing the implementation of the scheme that cannot be addressed by normal engineering investigation and design processes. Subject to an appropriate level of investigation and design the proposals will have negligible effect on the stability of the terrain.*
- *Site materials are expected to provide foundation conditions suitable for residential development and the construction of required access roading.*

## 8.12 Effects on Ecosystems

The effects of the plan change on ecosystems overall will be minor.

### **8.13 Effects on Natural and Physical Resources**

Overall, the effects will be minor:

- There is no meaningful productive use of the land
- Hilltops and key ridgelines are not included in the plan change area

### **8.14 Discharge of Contaminants Including Unreasonable Noise**

Normal residential use will not involve the discharge of contaminants and noise will be within plan standards.

### **8.15 Risks**

As no hazardous substances, other than for normal domestic use, will be involved, it is considered that no risks will be created. There are no indications in District Plan that there are any natural hazards potentially affecting the site.

Earthworks will be undertaken in accordance with relevant national standards and city and regional council codes of practice

### **8.16 Social Aspects**

While this part of the application deals with social aspects in general, it is important to recognise that some parts of the community will have particular interests. These issues can be considered as part of the plan change process in addressing submissions and further submissions.

#### **8.16.1 Neighbours**

Neighbours have not, as yet, been consulted as they will have extensive opportunities for input as part of the formal plan change process. The issues that are likely to arise have been considered in the assessments undertaken in the preparation of this application.

#### **8.16.2 Iwi**

There are no known issues of significance to iwi associated with this site. However, iwi will have an opportunity to comment on the proposal following public notification.

#### **8.16.3 Interest Groups**

Interest groups will have the opportunity to comment as part of the process.

#### **8.16.4 Wider Community**

Public notification will enable the wider community to provide input.

### 8.16.5 Amenity

Local amenity issues are considered in the Landscape and Visual Assessment. The internal amenity of the site will be addressed in the application for subdivision consent.

### 8.17 Traffic Effects

The attached traffic assessment provides a specific assessment of the change of zoning from Open Space B to residential. Part 4 on page 5 states:

- *We have assessed whether such a development could meet District Plan and Code of Practice traffic requirements. These documents address matters such as on site parking for each dwelling, safe and efficient ingress and egress, and safe and efficient vehicle and non-motorised movements within the site. We are satisfied that these provisions can be fulfilled by the proposal. Accordingly, from a traffic viewpoint the Outer Residential zoning is appropriate.*
- *We have also considered whether the surrounding road network has sufficient capacity to accommodate the additional traffic. The site is within 50 metres of a public bus stop and is well served by public transport, footpaths and well maintained and laid out roads. The proposal is simply an extension of the existing residential activities occurring in the area. Homebush Road and the local connector roads in the area have ample capacity to accommodate the existing traffic flows. They also have sufficient capacity available for the additional traffic flows generated by the development to be indiscernible. This is due to the relatively small area of land being rezoned Outer Residential.*

The conclusion of the assessment in part 5 states:

- *Future development of the land can satisfy District Plan provisions for the proposed zoning...Any effects arising from this new zone will be indiscernible on the wider road network.*
- *There will be 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 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 minor and manageable.

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
- Provision of a range of opportunities for different types of housing within the framework provided by the current rules for the outer residential area and the Residential Design Guide

## **9.0 RMA CONSIDERATIONS**

Sections 74 and 75 of the Act require that, in relation to a plan change, consideration is given to the following matters:

- Purpose and principles of the Act (s5)
- Matters of national importance (s6)
- Section 7 matters
- Treaty of Waitangi (s8)
- Regional Policy Statement
- Regional Plans
- Relevant iwi planning documents
- Other relevant matters

### **9.1 Purpose and Principles (s5)**

#### **9.1.1 Sustainable Management**

The purpose of the RMA is stated as being “*to promote the sustainable management of natural and physical resources*”. The elements of what is seen, by the legislation, to be sustainable management are considered below in relation to the proposed plan change.

#### **9.1.2 Managing Use, Development and Protection of Natural and Physical Resources**

The present use of the property is unsustainable from an economic viewpoint. Open Space B is considered to be a sub-optimal use of the land and the associated infrastructure. The conversion of some of this land to outer residential is considered to be not only a sustainable use but a preferable one.

### **9.1.3 Enable People and Communities to Provide for their Social, Economic and Cultural Wellbeing**

The proposed change is an enabling measure, and replaces the existing Open Space B rules with residential rules over part of the site. It would enable consideration to be given to residential proposals only in that specific area and enable a range of options to be considered within the framework of the plan's existing rules and the Residential Design Guide.

### **9.1.4 Sustaining Potential**

As noted earlier, part of the land has the potential for residential development and part will be retained in Open Space B zoning. The land to be rezoned has no real potential for other uses and the potential of the parts remaining open space is not affected.

### **9.1.5 Safeguarding Life-Supporting Capacity**

The plan change will have little effect on the area's life-supporting capacity.

### **9.1.6 Avoiding, Remedying or Mitigating Adverse Effects**

The design/development of the plan change has explicitly recognised potential effects and taken them into account in such a way that major effects are avoided, minor effects are either remedied or mitigated and there are also beneficial effects. Consideration of a subdivision application following the plan change will ensure that, at the detailed level, the potential adverse effects will be avoided, remedied or mitigated as appropriate.

## **9.2 Matters of National Importance (s6)**

The plan change is required to recognise and provide for the following matters of national importance:

### **9.2.1 Protection of Outstanding Natural Features and Landscapes**

There are no outstanding natural features or landscapes in the area covered by the plan change.

### **9.2.2 Protection of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna**

There are no areas of significant indigenous vegetation or significant habitats of indigenous fauna in the area covered by the plan change.

### **9.2.3 Maintenance and Enhancement of Public Access**

There is no public access to the area at present and it is not considered desirable to provide it because of the nature of the terrain outside of the proposed residential area.

#### **9.2.4 Relationship of Maori**

There are no known relationships with this land.

#### **9.2.5 Protection of Historic Heritage**

There is no known historic heritage on the site.

### **9.3 Section 7 Matters**

#### **9.3.1 Kaitiakitanga**

As noted earlier, there are no known relationships of Maori with this land.

#### **9.3.2 Ethic of Stewardship**

The land is currently zoned Open Space B but is not capable of beneficial use. It is considered that good stewardship would be enabled by the proposed plan change.

#### **9.3.3 Efficient Use and Development of Natural and Physical Resources**

As the site is not good quality land and it is considered more efficient to enable part of it to be available for housing.

#### **9.3.4 Efficiency of the End Use of Energy**

The extension of an existing residential area is more efficient in terms of energy usage as it enables economies to be made in infrastructure provision.

#### **9.3.5 Maintenance and Enhancement of Amenity Values**

The Landscape and Visual Assessment discusses amenity values and considers that, at the broadscale level, the effects will be minor. Local amenity effects can be avoided, remedied or mitigated at the time of subdivision.

#### **9.3.6 Intrinsic Values of Ecosystems**

The effects of the plan change in relation to ecosystem values will be minor as the existing vegetation on the spur is of low ecological value.

#### **9.3.7 Maintenance and Enhancement of the Quality of the Environment**

Environmental quality is one of the key factors in determining the area to which the plan change applies. The environmental qualities of the remaining open space area are protected by current plan provisions. Within the area to be rezoned, the outer residential rules in conjunction with the Residential Design Guide will ensure the maintenance and enhancement of the quality of the environment.



### **9.3.8 Finite Characteristics of Natural and Physical Resources**

The finite characteristics of natural and physical resources will not be diminished by the proposed development.

### **9.3.9 Protection of the Habitat of Trout and Salmon**

There are no trout or salmon in the area of the plan change.

### **9.3.10 Effects of Climate Change**

The effects of climate change are unlikely to be significant in this area.

### **9.3.11 Benefits from Renewable Energy**

The development of renewable energy sources, other than at a domestic scale, is not envisaged in this area.

## **9.4 Treaty of Waitangi (s8)**

The requirement to take the principles of the Treaty into account is a responsibility for Council to consider. There is no information to suggest that there are any Treaty matters to be taken into account.

## **9.5 Regional Policy Statement**

Section 75(3) of the Act states that a district plan must give effect to any regional policy statement (RPS). The RPS provides “high level” objectives and policies for the region. For many of the main regional issues identified in the RPS, more detailed consideration has resulted in the preparation of the four regional plans that are discussed in the next section.

Other issues which the RPS addresses and which may have relevance to this application are:

- Landscapes – although the RPS foreshadows the preparation of a regional landscape plan, this has not eventuated. From consideration of the RPS and its supporting material, it can be said that there are no landscapes of regional significance in the area of the plan change.
- Built environment – efficient use of resources in relation to the nature and location of residential development are seen as important principles. The plan change would enable a very efficient use of an existing resource.

The recently notified Draft Regional Policy Statement has also been taken into account and it is considered that the plan change is consistent with, and gives effect to, both the operative and the new Draft Regional Policy Statements.

## **9.6 Regional Plans**

There are four operative regional plans:

### **9.6.1 Freshwater**

There are no freshwater bodies within the area of the plan change.

### **9.6.2 Discharges to Land**

The relevant matters will be addressed fully at the time of subdivision consent.

### **9.6.3 Soil**

The soils of the area are not of high quality or versatility. Vegetation disturbance will be minimal in the context of the site as a whole.

Soil disturbance will be minimal and limited to the earthworks necessary for the provision of access roads and building platforms. An erosion and silt control plan will be part of any future application for resource consent for subdivision, access roads and building platforms. This plan will ensure that construction activities avoid, remedy or mitigate any adverse effects.

### **9.6.4 Coastal**

The provisions of the Regional Coastal Plan are not directly applicable to this site.

## **9.7 Relevant Iwi Planning Documents**

No iwi planning documents that should be taken into account have been identified.

## **9.8 Wellington Regional Strategy**

The Wellington Regional Strategy, although not a formal RMA document, is considered to be relevant and has been discussed in 7.2 above.

## **9.9 Northern Area Growth Framework**

The Northern Area Growth Framework, although not a formal RMA document, is considered to be relevant and has been discussed in 7.1 above.

## **9.10 Transport Policies and Plans**

The proposal is not inconsistent with the Regional Land Transport Strategy or other regional transport policies. The indicative internal layout of the site is in accordance with the policies of taking the needs of cyclists and pedestrians into account.

## 9.11 Other Matters

In its decisions on *Capital Coast Health Limited v Wellington City Council* (W101/98 and W004/00) the Environment Court held:

- that an Open Space B zoning is inappropriate for private land which is capable of other uses. It is not the role of private land owners to provide for general Open Space for the recreational needs of the community
- in principle, private land should not be zoned for reserve purposes, except under specific circumstances and that land sought for Open Space should be obtained by designation or acquisition

This decision is recognised in WCC Plan Change 34 when six privately owned sites were rezoned to Residential (Outer) – *“Council is following the general principle of an Environment Court ruling stating that private land should not be zoned for reserve and open space purposes unless it is already reserved for such purposes and the landowner agrees.”* (4.1.7)

The land is not a reserve in terms of the Reserves Act 1977 and, under the District Plan’s rules for Open Space B, is not able to be used for any purpose other than recreation. Following Rule 17.2.3.9 the operative plan states:

*In general, structures on Open Space B or Open Space C are viewed unfavourably unless there is a need for public facilities that cannot reasonably be satisfied by using other land.*

As the indicative subdivision plan indicates, this land is clearly capable of another use – for residential activities in accordance with the Outer Residential zone provisions of the Plan.

## 10.0 SUMMARY AND CONCLUSIONS

The plan change described in this application is designed to achieve the following objectives:

- Overall, make optimal use of the land by reallocating part of it to the use in which it currently has the greatest value to society;
- accommodate the substantial demand for residential sites that have high amenity, are located close to the CBD and have safe and convenient access.

### 10.1 Rationale

The key reasons in favour of the plan change are:

- the site is essentially an undeveloped area which has no viable alternative use
- 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
- The plan change is consistent with and supportive of the Northern Area Growth Framework
- It is not appropriate for land in private ownership to be zoned open space

## 10.2 The Plan Change

The main features of the proposed plan change are:

- Rezoning of part of the site from Open Space B to outer residential
- Development within the rezoned area to be in accordance with the current District Plan rules and the Residential Design Guide
- Existing pine plantation and areas of landscape benefit to remain Open Space B

## 10.3 Section 32

The section 32 report shows that that the plan change mechanism offers the best solution to the issues identified. Consideration of the costs and benefits, in social, economic and environmental terms, demonstrates the advantages of pursuing the plan change. It also shows that there are few, if any, disadvantages to this approach.

Consideration of the methods highlights their appropriateness, effectiveness and efficiency.

## 10.4 Strategic Context

The proposed plan change is consistent with, and supportive of, the managed growth strategy framework for the northern area of Wellington City. It is also consistent with and supportive of the main thrust of the Wellington Regional Strategy.

In relation to national issues, the plan change would increase the amount of land available for residential development in a location which is a logical extension of the existing urban area and is well located in respect to employment areas.

## 10.5 Assessment of Effects

The main features of the Assessment of Environmental Effects are that the adverse effects of the proposal will be minor and there will be benefits to the site and the wider community.

The impacts are considered minor because they are largely contained within the site and the effects beyond the site itself are relatively minor and manageable.

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
- Provision of a range of opportunities for different types of housing within the framework provided by the current rules for the outer residential area and the Residential Design guide

## 10.6 RMA Considerations

Part 9.0 considers the relevant requirements of the RMA and finds that:

- The plan change application is in accordance with the purpose and principles of the Act as set out in section 5.
- It recognises and provides for the applicable matters of national importance contained in section 6.
- This application has been prepared having regard to the matters referred to in section 7.
- There are no relevant Treaty matters in terms of section 8.
- The proposal is not contrary to the regional policy statement, regional plans, iwi planning documents and other relevant plans, policies and strategies.
- The existing zoning of Open Space B is inappropriate for private land.

## 10.7 Conclusions

This application for a private plan change to the current District Plan Rural Zone provisions clearly demonstrates that:

- The relevant issues have been identified and articulated in relation to the current situation and merit resolution at the earliest opportunity
- The rationale for the change is logical and soundly based on evaluation and analysis
- Alternatives have been appropriately evaluated and the proposed change represents the best approach to dealing with the issues
- The adverse environmental effects of implementing the change will be minor and largely internalised
- The evaluation of benefits and costs shows the beneficial effects, in social, economic and environmental terms, of the change proceeding

- Identified potential effects are resolvable and can be dealt with at the detailed design stage
- The proposal is in accordance with the considerations required to be taken into account by the Resource Management Act
- The current zoning is not appropriate

The overall conclusion is that the proposed change should be accepted for public notification and ultimately approved.