
REPORT 1
(1215/11/IM)

APPROVAL OF PRIVATE PLAN CHANGE 67: REZONING OF 43 SPENMOOR STREET, NEWLANDS

1. Purpose of report

This report seeks approval of Private Plan Change 67: Rezoning of 43 Spenmoor Street, Newlands.

2. Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Agree to approve Private Plan Change 67: Rezoning of 43 Spenmoor Street, Newlands, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991.*
3. *Agree that the Plan Change will become operative on Wednesday 10 October 2012.*

3. Background

The land owned by Prime Property Group (PPG) in Spenmoor Street, Newlands was previously zoned rural, but subject to District Plan provisions which provide for a small number of sites close to existing urban areas to be developed for rural residential purposes. In 2006 resource consent was granted for a subdivision of the land into 40 rural residential lots. The approval was subsequently implemented and several sites sold to private owners. The remaining lots are still owned by PPG.

In 2008 PPG made a private plan change request to rezone areas of the site from Rural to Residential (Outer). An indicative subdivision plan accompanied the plan change showing that development could be undertaken at a density similar to the surrounding residential areas. Following a full hearing of the issues before an independent hearing commissioner the Council declined to approve the plan change, largely because of the density of development proposed, and the effect on rural amenity and landscape. PPG then lodged an appeal.

Following extensive negotiations, the Council agreed in June 2011 to settle the appeal. The settlement contains a detailed design guide and structure plan for the site, with clusters of dwellings of different types, and large areas of existing vegetation and open space which are to be retained.

4. Discussion

Under clause 17 of the Schedule 1 of the Resource Management Act 1991, the Council is now required to approve the operative provisions and this will be given effect to by official sealing of the documents. As PC67 was a private plan change, the provisions have no effect until this step is taken.

The approved amendments to the District Plan are appended to this report. Coloured copies of the maps and diagrams are available for viewing at Democratic Services.

The final provisions mirror the changes already approved by the Council and the Environment Court, and there is no ability to make further changes or amendments at this stage. The approval process under Schedule 1 is purely procedural.

In addition, under clause 20 of Schedule 1 the Council is required to publicly notify the date on which the Plan Change becomes operative. The operative date must be at least 5 working days after the date on which the Council has publicly notified its intention to make the plan change operative. In this case, the public notice will be included in the "Our Wellington" page on Tuesday 2 October, and the operative date will be Wednesday 10 October 2012.

5. Conclusion

It is recommended that the Plan Change 67: Rezoning of 43 Spenmoor Street, Newlands be made operative as required under the Resource Management Act 1991.

Contact Officer: *Julia Forsyth, Programme Manager*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The approval of plan changes supports the outcomes of the Urban Development Strategy and is part of the requirement to regularly review the District Plan.

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

The recommendation in this report has no LTP / financial impact.

3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-making

This is not a significant decision. The report concerns matters previously considered by the Strategy and Policy Committee, and the Regulatory Processes Committee.

5) Consultation

Not Applicable

6) Legal implications

The Council's lawyers have been involved as relevant during the processing of this Plan Change.

7) Consistency with existing policy

The Plan Change is Council Policy.

APPENDIX 1: Amendments to District Plan Chapters and Maps