

REPORT OF THE HEARING COMMITTEE

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

COMMITTEE MEMBERS: CRS FOSTER AND WADE-BROWN

DATE OF DELIBERATIONS: 5 OCTOBER 2005

1. RECOMMENDATIONS

The Hearings Committee recommends that the Council:

1. *Revokes the Council decision on Proposed District Plan Change 36 made on 22 February 2006.*
2. *Approves Proposed District Plan Change 36 as set out in the Public Notice on 18 June 2005, subject to the following:*
 - (a) *That the submission from E Hawkins be accepted in part and that additions and amendments to Policies 4.2.1.1(a) and 14.2.1.1(a) as shown on the annotated copy of the Change provisions (marked Appendix 1) be accepted.*
 - (b) *That the submissions from the Department of Conservation and Greater Wellington Regional Council be accepted in part and that the words 'which recognise and protect ecological values, and are' replace the word 'and' in the second to last line of the explanatory statement to Policies 4.2.4.2 and 14.2.4.1 as shown on the annotated copy of the Change provisions (marked Appendix 1) appended to this report.*
3. *Accepts or rejects all other submissions and further submissions to the extent that they accord with Recommendation 2 above.*

2. BACKGROUND

The decision report of 22 February 2006

The decision on Plan Change 36 was originally reported to the Council on 22 February 2006. It was subsequently discovered that some of the recommended wording changes in the explanatory statement to Policy 14.2.1.1(a) were in error. This is because the reworded text to the Policy had been introduced as part of District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area) and this plan change was still not operative. In this event any change to the explanatory statement to Policy 14.2.1.1(a) should have been made by way of a variation to the Plan.

As it is not recommended that separate variation procedures be initiated to ensure that the wording is valid (a procedure that would require full public notification) it is recommended that the previous decision be revoked and replaced by this decision.

Background to Plan Change 36

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

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

3. ASSESSMENT OF SUBMISSIONS

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

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

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

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

The **Glenside Progressive Association** supported the NGMF and Plan Change 36 in general but expressed concerns that when consents are considered the principles of the NGMF may be lost or not fully complied with. They submitted that if the principles, vision and values of the NGMF are complied with fully then growth can be achieved sustainably. The Association was particularly concerned that there be no loss of natural and at landscape values. They particularly cautioned that the Plan Change *'must not be taken by Council or developers as*

simply a mechanism to obtain resource consents for residential subdivisions on rurally zoned land without taking full cognisance of the NGMF principles.'

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

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

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

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

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

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

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

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

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

He was concerned that Policy 4.2.1.1(a) and 14.2.1.1(a) should be amended to include the words '*subject to the requirements agreed for ridgelines and hilltops.*' The Committee felt that the protection of significant landscapes as outlined in Plan Change 33 was consistent with the principles of the NGMF. It specifically noted the section on valuing and protecting the

landscape and ecology of the area (page 17 of NGMF) in particular *‘Significant hilltops and ridgelines will be left intact,’* and also *‘The Outer Green Belt will be preserved and extended where possible,’* and *‘Development will not be allowed to impinge on important natural features.’*

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

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

The submission also suggested a set of minor wording amendments to the second paragraph of the explanation to Policy 4.2.1.1(a) and 14.2.1.1(a). While the Committee was of the opinion that the wording suggested by Mr Hawkins would be better it was noted that a change could not be made to the explanation to Policy 14.2.1.1(a) as this had been introduced as part of District Plan Change 33 Ridgelines and Hilltops (visual Amenity) and Rural Area). It would be necessary to undertake a formal variation to the District Plan involving full public notification if the words were to be included. The Committee agreed that the further delay that this would entail would not be warranted. Accordingly, it is recommended that the amendments to the explanation to Policies 4.2.1.1(a) and 14.2.1.1(a) not be agreed.

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

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

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

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

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

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

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

CONCLUSION

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

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

Committee Chair: Cr Andy Foster

APPENDIX 1

PROPOSED DISTRICT PLAN CHANGE 36: NORTHERN GROWTH MANAGEMENT FRAMEWORK REFERENCE

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

Key to annotated text

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

4. RESIDENTIAL AREAS

[...]

4.2 Residential Objectives and Policies

OBJECTIVE

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

POLICIES

To achieve this objective, Council will:

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

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

METHODS

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

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

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

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

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

[...]

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

METHODS

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

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

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

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

14. RURAL AREA

[...]

14.2 Rural Area Objectives and Policies

OBJECTIVE

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

POLICIES

To achieve this objective, Council will:

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

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

METHODS

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

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

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

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

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

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

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

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

[...]

OBJECTIVE

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

POLICIES

To achieve this objective, Council will:

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

METHODS

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

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

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