

Report 08.337
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Committee Regulatory Committee
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Regional Council input into city and district council planning

1. Purpose

To inform the Committee of Greater Wellington's input into the statutory resource management processes of territorial authorities in the region.

2. Resource consents

Since the last Committee Report, Greater Wellington has received five notified consent applications from the region's city and district councils. One submission has been made. An update on Greater Wellington's submission to Glenburn Station subdivision is also detailed below.

2.1 Porirua City Council – 27 lot fee simple subdivision & associated earthworks at 32 Adventure Drive, Whitby

This application is to carry out a 27 lot subdivision comprising 25 residential lots, one access road (to vest in Porirua City Council) and one pedestrian access lot.

Greater Wellington made a submission in support of the proposed protection to Whitby West Bush. This is an ecological site, currently not recognised in Porirua City District Plan. Greater Wellington commended the applicant for proposing to protect the bush area as part of the resource consent application.

Greater Wellington also supported the subdivision design concept which contributes to the outcomes in the Wellington Regional Land Transport Strategy, particularly through the provision of new access roads which ensure connectivity between communities, and to adjacent recreational reserves.

2.2 Carterton District Council - Glenburn Station subdivision

Regulatory Committee Report 08.253 (15 April 2008) provides a summary of the evidence presented by Greater Wellington at the Glenburn Station subdivision hearing. As noted in the last report the Hearing Panel had requested further information from the applicant prior to deciding on the application.

The applicant has submitted the further information regarding natural hazards, biodiversity values and cultural values, in response to the Hearing Commissioners' request.

The Officers Addendum Report still stands by the original recommendation to decline the coastal allotments on natural character grounds.

A reconvened hearing has been set for 5 June to consider this further information. Greater Wellington will attend in support of the officer's recommendation on land stability and tsunami issues.

3. District Plans

Greater Wellington has been notified of two proposed plan changes and has also received the decisions on the proposed Wairarapa Combined District Plan. An update on previously notified plan changes is also provided below.

3.1 Wellington City Council

3.1.1 Proposed District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street & Thatcher Crescent (Ngaio) from Rural Area to Outer Residential Area

Regulatory Committee Report 07.758 (22 November 2007) provides a summary of Greater Wellington's submission on Plan Change 61.

On 20 May 2008, Greater Wellington officers presented evidence at the hearing. Greater Wellington generally supported the officer's recommendations which responded to our concerns, and sought that a new objective (a relief sought by Greater Wellington in the original submission) be incorporated into the planning provisions. The new objective would ensure adequate recognition is given to the importance of the ecological values and also the ecological linkage between the subject site and the adjoining conservation site.

3.1.2 Proposed District Plan Change 65 – Change to earthworks provisions

Plan Change 65 proposes to change the planning provisions for earthworks in all areas of Wellington City. It addresses land stability, erosion and sediment control, flood hazard and visual amenity issues.

The plan change is still pending assessment of the need to make a submission.

3.1.3 Proposed District Plan Change 66 & Variation 5

Proposed District Plan Change 66 and Variation 5 have been proposed by Wellington City Council to enable them to consider the potential effects from new exceptionally large retail development. They seek to ensure that new development will enhance the sustainability of existing retail centres (including the existing hierarchy of centres), does not compromise the sustainability of the transport network, and does not result in the unsustainable location of retail activities

The effect of Plan Change 66 and Variation 5 is that any retail development in the Central Area and Suburban Centres, which exceeds a defined size threshold (for example, a gross floor area of 10,000m²) for a single retail activity, will now require a resource consent.

The plan change and variation are still pending assessment of the need to make a submission.

3.1.4 Proposed District Plan Change 60 – Churton Park Suburban Centre Rezoning

Regulatory Committee Report 07.758 (22 November 2007) provides a summary of Greater Wellington's submission on Plan Change 60.

Stebbings Farmlands Limited has appealed Wellington City Council's decision on Plan Change 60. The part of the decision appealed is the requirement to ensure earthworks (including earthworks for building platforms) not be undertaken below the 100m contour level or the top of the bank (whichever is lower) immediately above the Greater Wellington's Flood Detention designation area. The Notice of Appeal states that the requirement was imposed in response to Greater Wellington's submission.

Greater Wellington has given notice that it wishes to be a party to the appeal. Greater Wellington's interest is to ensure that any revised requirement does not interfere with the Council's designation.

3.2 Upper Hutt City Council

3.2.1 Proposed (private) Plan Change 20 – Proposed Eastern Hutt Road industrial area (410 Eastern Hutt Road)

Regulatory Committee Report 08.253 (29 April 2008) provides a summary of this plan change. The site is located within the river corridor (land immediately adjacent to the river) and floodplains of Hutt River and Hulls Creek.

Greater Wellington's submission sought consideration of natural hazards, including the potential consequences of a flood event occurring both on-site and off-site. The submission also emphasised Greater Wellington's policy approach for flood control which considers that structural works can have significant environmental effects and are the least desirable option for flood control. Greater Wellington sought that the subject site be protected from a flood of 2300 cumec magnitude (1 in 440 years).

Seven submissions have been received by Upper Hutt City Council. A summary of submissions is now available. Staff are assessing the need to make a further submission.

3.3 Porirua City Council

3.3.1 Plan Change 7 – Wind Farms

Regulatory Committee Report 08.21 (February 2008) provides a summary of Greater Wellington's submission on Plan Change 7.

One hundred and eight submissions were received by Porirua City Council on this Plan Change. A summary of submissions is now available. Greater Wellington will not be making any further submissions.

3.4 Kapiti Coast District Council

3.4.1 Draft Plan Change 75 – Water demand management

The last Regulatory Committee Report No.08.253 (29 April 2008) provided a summary of Greater Wellington's submission on Plan Change 75.

Seventy three submissions have been received by Kapiti Coast District Council in respect of the plan change. A summary of submissions is now available. Staff are assessing the need to make a further submission.

3.5 Proposed Wairarapa Combined District Plan

Greater Wellington received the Planning Commissioners decisions on the Proposed Wairarapa Combined District Plan on 28 March 2008. As has been discussed in previous reports to the Regulatory Committee, many of the changes which Greater Wellington requested were incorporated. Greater Wellington has lodged an appeal with the Environment Court on a small number of issues. These are outlined below.

3.5.1 Flood Management

Flood protection is a major function and responsibility for Greater Wellington in the region. The ability to control subdivision, land use and development in areas of flood hazard is an important component of hazard risk reduction. Greater Wellington submitted on inadequate provisions in the Plan for identified Flood Hazard Areas and Erosion Hazard Areas (Rule 21.1.17) and the Rural Special Zone (20.1.7). The Commissioners' decisions have amended these rules; however, they still fail to clearly control subdivision and building of dwellings in hazard areas. Greater Wellington therefore appealed sections of both of these rules.

3.5.2 Earthworks

Greater Wellington's submission on the Plan identified that there was a potential for earthworks, apart from those controlled under subdivision standards or the Regional Soil Plan, to have adverse effects on the

environment. The Commissioners accepted this point and the decision introduces provisions for control of earthworks over a certain volume (50m³) and near waterways or the coast, as a discretionary activity.

By stating a trigger volume, earthworks below this volume become a permitted activity. However, two of these provisions have no time frame indicated, which leaves it unclear as to the activity status of sequential earthworks. Greater Wellington's appeal asked for this to be clarified by including a time frame of 12 months.

3.5.3 Foreshore Protection Area

Greater Wellington's submission supported a rule which limited activities within a Foreshore Protection Area. The purpose of the rule was to protect natural character and avoid coastal hazards. The Commissioners decision amended the rule to allow non-habitable structures up to a certain size and earthworks up to 50 m³ as a permitted activity. Greater Wellington lodged an appeal seeking that discretion be retained over these activities in this area, to achieve the objectives and policies of the Plan.

3.5.4 Contaminated sites

Greater Wellington's submission sought that the Plan requires an assessment be undertaken when a change to land use occurs, to ensure potentially contaminated land issues are addressed. The Planning Commissioners accepted that this was appropriate. The Commissioners decision includes a modified Hazardous Activities and Industries List (HAIL) as a trigger to identify land which should be assessed for potential contamination.

The list, however, does not include land that has been used for livestock dip or spray race operations. Land that has been used for such activities may contain persistent and toxic chemicals and can be unsuitable for schools and houses. Greater Wellington has lodged an appeal to include these activities in the list.

4. Other Policies and Plans

4.1 Wellington City Council – Draft Northern Reserves Management Plan

The last Regulatory Committee Report 08.253 (29 April 2008) provided a summary of this Plan.

The northern reserves are a number of different reserves ranging from large rural character blocks to esplanade strips. The Plan excludes a 105 hectare bush area off Horokiwi Road, currently owned by Wellington City Council but managed by Greater Wellington as part of Belmont Regional Park. Greater Wellington made a submission suggesting that this land, and its management by Greater Wellington, be recognised either as part of the Plan or through other formal mechanisms such as a Memorandum of Understanding.

The Plan outlined that there are several gaps in ecological connectivity of the forest reserve network. Greater Wellington's submission supported the use of

restoration planting, pest control and reserve acquisition to fill these gaps. Greater Wellington also recommended that the lack of connectivity at the top of Belmont Regional Park be addressed.

4.2 Wellington City Council – Infill Housing Review and Draft Centres Policy

The Infill Housing Review is about managing housing growth across the city. The review proposes a new approach to managing the location of housing growth in Wellington City over the next 40 years. The approach is generally based on ‘areas of change’ where higher density housing would be actively encouraged and ‘areas of character protection’ where character would be safeguarded.

The Draft Centres Policy sets out Wellington City Council’s proposals for the future development and management of the city’s centres. It focuses on the appropriate role of different centres and aims to strengthen them by focussing future growth in and around them. It also seeks to control the location of future retail development.

These draft policies are currently being assessed.

4.3 South Wairarapa District Council – Review of Management Plan for Rural Reserves

The South Wairarapa District Council is currently undertaking a review of their Rural Reserves Management Plan (2001). The Plan covers the management of a number of coastal and inland rural reserves within the district.

This Plan is currently being assessed as to the need to make a submission.

5. Recommendations

That the Committee:

- 1. Receives the report; and*
- 2. Notes the content.*

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