



Report 10.282
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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

2.1 Wellington City Council

2.1.1 Demolition of the Lyall Bay Surf Club Building and No. 2 Clubroom Building and the construction of a new building

A resource consent application by Lyall Bay Surf Club and Wellington City Council has been publicly notified. The application seeks to demolish the existing Lyall Bay Surf Club Building and No. 2 Clubroom and to construct a new building for the use of the Lyall Bay Surf Lifesaving Club. This includes the Wellington City Council public toilets on the ground floor and the alternation and restoration of two sections of the heritage seawall.

The site is zoned Open Space B in the Wellington City District Plan and the seawall is a listed heritage object in the Regional Coastal Plan. We made a neutral submission on the notified consent highlighting our interest in natural hazards, heritage features and the maintenance and restoration of biodiversity and natural character. Submissions closed on 22 April 2010. Hearings are to be held on the 3, 4, 8 and 9 June 2010.

3. District Plan Changes

3.1 Kapiti Coast District Council

3.1.1 Private Plan Change 82 – Zone change of the Bunnings site (Milne Drive, Paraparaumu) from Open Space to Residential and Industrial/Service.

A previous regulatory committee report (09.299) dated 03 June 2009 reported that Bunnings had applied to change the current zoning of a privately-owned site in Paraparaumu from Open Space to a mix of Residential and Industrial/Service. Greater Wellington made a neutral submission on this application outlining the importance of the regionally significant wetland adjacent to the site (Andrews Pond) and requesting that any development should not further degrade it. The submission also highlighted the need for pedestrian linkages and cycle facilities.

A hearing was held in November 2009 with the Hearing Commissioners Recommendation Report going to Kapiti Coast District Council in January 2010 for a final decision. Proposed Plan Change 82 was approved in February 2010 with commissioners judging the main issues of the application to be:

- the necessity for a zone change
- the effect on ecology (Andrews Pond)
- traffic effects

The zone change was thought to be appropriate considering the private ownership of the site and the current restrictions associated with the zone (Open Space). Commissioners were satisfied that development of the site will not result in adverse impacts on Andrews Pond, however they accepted that there is not enough evidence to show that traffic impacts could be mitigated at this time. A restricted discretionary status was applied to future development of the site which will allow traffic impacts to be assessed at the resource consent stage.

One appeal has been received by the Environment Court to date.

3.2 Hutt City Council

3.2.1 Proposed District Plan Change 14 - Amendments to the Central Commercial Activity Area Provisions

A summary of the plan change has been reported in Regulatory Committee Report 10.7 (March 2010).

Greater Wellington made a submission on this proposed plan change which proposes to address a range of issues around the Central Commercial Activity Area Zone including land adjacent to the Hutt River Corridor.

In the submission Greater Wellington acknowledged that the plan change attempts to address further development adjacent to the Hutt River Corridor, and that this approach is generally supported. However, the plan change had neglected to stress the importance of the Hutt River Corridor in terms of the management of flood risk from the Hutt River.

The submission addressed a number of provisions to ensure that the proposed plan change was aligned with the Hutt River Corridor Plan and to ensure that any future works would not be compromised. Specifically, Policy (a) encourages the development of a riverside promenade by managing activities and development along the river frontage, in conjunction with flood protection. Greater Wellington considered that any development or activity in this area, especially on the stop-banks, may increase the flood hazard risk or affect the ability to undertake protection works or maintenance. Therefore it was more appropriate for the policy to be directed towards exploring the opportunities for a promenade, prior to encouraging any further development.

In regards to transportation issues Greater Wellington acknowledged the need to provide adequate car parking in the Central Commercial Activity Area to assist the safe and efficient operation of the roading system. However Greater Wellington stated that this should be balanced with the need to manage parking supply to contribute to an efficient and sustainable transport network.

Greater Wellington has also provided further submissions on this plan change. We supported a number of submission points made by the New Zealand Transport Agency regarding travel demand management and the need to balance parking provision in a way that contributes to an efficient and sustainable transport network. We opposed the submission made by Harvey Norman Pty in relation to building setbacks adjacent to the Hutt recreation area, as buildings and other structures constructed adjacent to the stopbank could compromise the integrity of the stopbanks leading to failure and flooding of the Hutt CBD.

3.3 Wellington City Council

3.3.1 Proposed District Plan Change 67 - Rezoning of 43 Spenmoor Street, Newlands

This plan change seeks to subdivide a rural area of 40 lots, granted under resource consent in June 2006, into 120 lots. The Hearing was reported on in Regulatory Report 09.746 where Greater Wellington contributed guidance on regional form matters and public transport.

The independent Commissioner has made a decision to decline the plan change primarily on traffic and visual amenity effects. The applicant has appealed the decision.

3.3.1 Proposed District Plan Change 72 – Residential Review

This plan change is a complete review of the residential chapter of Wellington City Council’s district plan. It includes the following key changes:

- two new ‘Areas of Change’ surrounding the Johnsonville and Kilbirnie town centres to provide for medium-density housing
- a new character area to recognise the unique character of Wellington’s ‘residential coastal edge’
- amendments to the Inner Residential Area rules covering the demolition of buildings built prior to 1930 to make them more effective
- amendments to other policies, rules, definitions and planning maps to improve the effectiveness of the Plan.

Greater Wellington has submitted a written submission and presented a statement of evidence at the plan change hearing. The main points of our submission related to:

- Support for the objectives and policies which related to regional form, transport and energy
- Request to increase the yard requirements along the Porirua stream and its tributaries to 10m to allow for stream movement, natural erosion and stream maintenance
- Affected party status for rules relating to Hazard (Flooding) Areas and stream yard requirements
- Request that the coastal environment is identified in the district plan
- The need for greater recognition of coastal hazards and natural coastal processes. Greater Wellington suggested an additional policy regarding the risks and consequences of coastal hazards and rewording of an existing policy.

No decision has been released on the plan change to date.

3.3.2 Proposed District Plan Change 73 – Centres and Business Areas.

Proposed District Plan Change 73 is a full review of the Suburban Centres chapter of the District Plan. The key changes include:

- splitting the current Suburban Centre zone into two new zones, Centres and Business Areas, to recognise their differing roles, and better manage the activities that locate in these areas

- increased policy guidance regarding urban design and the management of retail activities
- the introduction of a new design guide for Centres and Business Areas to help improve the quality of new development rezoning of some parcels of land to better reflect existing uses
- amendments to other policies, rules, definitions and planning maps to improve the Plan's effectiveness.

Greater Wellington has submitted a written submission and presented a statement of evidence at the plan change hearing. Our submission covered the same points as the Plan Change 72 submission which related to yard requirements along streams and coastal hazards.

No decision has been released on the plan change to date.

3.4 Porirua City Council

3.4.1 Proposed District Plan Change 7 – Wind Farms

Regulatory Committee Report 08.21 (February 2008) provides a summary of Greater Wellington's submission on Plan Change 7 and we provided evidence to the hearing which commenced in March 2009.

A major area of contention in the plan change was a change in activity status of the wind farm consent if there were any buildings or structures within a standard buffer distance of 700m from the boundary of the wind-farm. We argued, along with a number of other submitters, that this distance was arbitrary and would not be sufficient to abate noise concerns in some instances and would be an excessive requirement in others. A site specific assessment of separation distances is more appropriate.

The decision on the plan change has now been notified. Greater Wellington's main submission point was not accepted in the decision, but staff consider that it is not necessary for Greater Wellington to appeal the decision.

4. Other policies and plans

4.1 Hutt City Council

4.1.1 Vision Seaview/Gracefield 2030 – Transforming the future

Hutt City Council has proposed a draft vision for Seaview/Gracefield. The vision was developed to explore how the potential of Seaview Gracefield could be optimised over the next twenty years. Its purpose is to support existing businesses and encourage new businesses, make better use of recreational facilities and contribute towards a better environment.

Greater Wellington provided feedback to Hutt City Council outlining the direction in the operative and proposed Regional Policy Statement as well as in the Wellington Regional Strategy. One main area of concern related to the risk

arising from natural hazards. Greater Wellington asked for better acknowledgment that the area is susceptible to flooding from the Waiwhetu and Awamutu Streams as well as the Hutt River and is also susceptible to coastal hazards. We asked for consistency with policies in the proposed Regional Policy Statement which promote an avoidance of subdivision and development in areas of high risk. Preparing the community for emergency events and the use of flood-proofing measures (e.g. raising building floor levels) were also encouraged.

Another area of interest related to the importance of good transport access and good linkages to the port and other industrial areas. We also promoted efficient public transport and encouraged better walking and cycling connections in this area in the feedback.

4.2 Kapiti Coast District Council

4.2.1 Kapiti Coast District Plan Review: Scoping Discussion Document

Kapiti Coast District Council has begun the process of reviewing the District Plan and is seeking feedback on the scope of the Review, so that the Council can prioritise the issues that the community and other key stakeholders consider most urgent in its Review Work Programme.

The Scoping Document outlined eight key 'big picture' focus areas where a major rethink might be required, twelve 'regulatory detail' areas where major changes may be necessary and ideas for user-friendliness. Greater Wellington prepared feedback highlighting additional focus areas that should be included as well as suggestions to provide extra scope and detail on some other topics. Overall, Greater Wellington was generally supportive of the Scoping Document and the direction that it is headed and will be working closely with Kapiti Coast District Council as it continues with this long-term process. A stakeholder meeting has been held between KCDC policy advisors and key Greater Wellington staff to provide further input.

4.3 Ministry for the Environment - National Environmental Standard for Assessing and Managing Contaminated Land

The Ministry has released a discussion document suggesting a National Environmental Standard to deal with the issue of New Zealand's legacy of contaminated land and the inadequate and inconsistent controls on the land use, subdivision and development of affected or potentially affected land.

The Standard proposes to set soil guideline values for the assessment of land as fit for purpose at the time of land use change, based on an objective of protecting human health.

While supportive of the idea of a National Environmental Standard, staff are concerned about the narrowness of this objective. General environmental effects of contaminants are clearly a regional council issue, and dealt with by regional plans, but the safeguarding of the life-supporting capacity of the soil is

a Resource Management Act purpose and should be considered as an on-site effect when deciding on the use of land.

With the narrow objective proposed, a site could be cleared as safe for human health (using the suggested human health soil guideline values which in some cases are a very high threshold), but be toxic for soil organisms or plant growth at much lower levels. In this case it is likely that the credibility of the National Environmental Standard would be questioned by the community. We suggested that the objective is widened and that further soil guideline values for soil health be incorporated into the standard to produce a meaningful set of guidelines.

The suggested Standard would allow investigation of potentially contaminated land as a permitted activity, provided that reports to the territorial authority are provided. Subdivision and use of the land would also be a permitted activity (subject to other provisions in the district plans) if the site was assessed as suitable for the purpose. Where contamination is present at inappropriate levels, the activity class becomes a restricted discretionary activity. Greater Wellington agrees with the suggested controls provided that there are clear standards as to what is covered by investigations and the assessment for use.

Staff prepared a submission to cover these points and some minor additional points. The summary of submissions has now been released.

5. Recommendations

That the Committee:

1. ***Receives the report.***
2. ***Notes the content of the report.***

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