

Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region – Further Submission Form (Form 6)



Further Submissions on a Publicly Notified Change to a Plan or Policy Statement under Clause 8 of the First Schedule to the Resource Management Act 1991. The closing date for Further Submissions is 5:00pm Friday 8 March 2024.

Who can make a Further Submission?

A Further Submission may be made by any person who:

- Represents a relevant aspect of the public interest; or
- Has an interest in the proposal that is greater than the interest of the general public. (an explanation for the reasoning behind why you qualify for either of these categories must also be provided); or
- The local authority itself.

More information on the [Natural Resources Plan, Plan Change 1](#) and on the [consultation and submission processes](#) please visit our website.

How to make a Further Submission:

1. You can use the [online submission portal](#); or
2. You can use the Further Submission Form(s) (Form 6).
 - [This Further Submission Form\(s\) \(Form 6\) – Microsoft Word version](#); or
 - [Further Submission Form\(s\) \(Form 6\) – Microsoft Excel version](#).

Please send the Further Submission Form in by one of the below methods:

- Email it to the regionalplan@gw.govt.nz.
- Post it to: [PO Box 11646, Manners St, Wellington 6142, ATT: Hearings Advisor](#).
- Drop it off at reception at one of our offices, marked ATT: Hearings Advisor.

Due to delays in postal services and the timeframe for making Further Submissions, we highly recommend that an electronic copy of your Further Submission is provided by the closing date.


Further Submission Form requirements:

- All sections of this form need to be completed for the Further Submission to be accepted.
- You must send a copy of your Further Submission to the original submitter.
Any person making a Further Submission must serve a copy of that submission on the original submitter no later than five working days after the submission has been provided to Greater Wellington. Each submitter has an address for service available on our [website](#). If you have made a Further Submission on several original submissions, then copies of your Further Submission will need to be served with each original submitter.

1. Details of further submitter	
Name of Submitter: (First and last name, or organisation / company)	Urban Edge Planning Ltd on behalf of Coronation Real Estate Ltd
Address for service: (Email, or physical address) Please note an <u>email address</u> is the preferred method	Corinna@urbanedgepla nning.co.nz
Phone: (Optional)	[REDACTED]
Contact person for submission: (If different to above)	Corinna Tessendorf
I wish to be heard in support of my submission at a hearing:	Yes

I would consider presenting a joint case at the hearing with others who make a similar submission:	Yes
2. Criteria applicable to Further Submitter:	
Only certain people may make further submissions Please select the option that applies to you:	
A) I am a person representing a relevant aspect of the public interest; or	No
B) I am a person who has an interest in the proposal that is greater than the interest the general public has (for example, I am affected by the content of a submission); or	Yes
C) I am the local authority for the relevant area.	No
Specify the reasoning behind why you qualify for either of these above options:	Owner of a property incorrectly identified as unplanned greenfield area and initial submitter

3. For the further submitter to action
<p>Service of your further submission:</p> <p>Please note that any person making a further submission must serve a copy of that submission on the original submitter no later than five working days after the submission has been provided to Greater Wellington.</p> <p>Each submitter has an address for service available at: www.gw.govt.nz/nrp-pc1-submissions. If you have made a further submission on a number of original submissions, then copies of your further submission will need to be served with each original submitter.</p>

4. Disclosures:		
If submitting on behalf of a company / organisation: I confirm that I have permission to provide this information on behalf of the company / organisation		28/02/2024
<p><u>Public information:</u> Note that under the RMA all submissions and accompanying data must be made available for public inspection. To achieve that, Greater Wellington Regional Council will publish all Further Submissions and accompanying data on our website. In providing a further submission on the Natural Resources Plan, Plan Change 1, you confirm that you have read and understood the Plan Change 1 to the Natural Resources Plan Information Statement. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at privacy@gw.govt.nz.</p>		

5. Further Submission:
<ul style="list-style-type: none"> • The original submissions received have been summarised into submission points and collated into one summary table. This document(s) is a Summary of Decisions Requested: <ul style="list-style-type: none"> ○ NRP PC 1 - Summary of Decisions Requested – By Submitter ○ NRP PC 1 - Summary of Decisions Requested – By Provision • Further submitters can submit on multiple submission points (identified in the Summary of Decisions Requested above) within the following section. Please use additional pages if necessary. • If you are providing suggested text amendments to a provision, please do so in the following format: <ul style="list-style-type: none"> Suggested added text, shown as bolded text format Suggested deleted text, shown as strikethrough format

Please enter further submission points in the table on the following page(s)

4. Further submission points

Please complete the following table with details of which original submission points you support and/or oppose, and why.

<p>*Submitter name or, Submitter number of the submission you are commenting on:</p>	<p>*Submission point number: <i>Unique identifying number allocated to each specific submission point, located in the second column of the summary of decisions requested table:</i></p>	<p>*Stance on the submission point: <i>(Support, Oppose, Oppose in part, Support in part, Not stated)</i></p>	<p>*Decision sought: <i>(Allow, Disallow, Allow in part, or Disallow in part)</i></p>	<p>Decision sought <i>Illustrate which aspects of this original submission that you support or oppose. Please identify which part(s) (if not the whole submission point) of the original submission point that this further submission is in reference to.</i></p>	<p>Reasons: <i>Please provide a summary of the reasons why you support or oppose this original submission to help us understand your position.</i></p>
<p>S97 Urban Edge Planning Ltd on behalf of Coronation Real Estate Ltd</p>	<p>S97.004</p>	<p>Support</p>	<p>Allow</p>	<p>Support the entire submission point</p>	<p>The initial submission requests the removal of the unplanned greenfield area overlay from the site at 9 Comber Place since this was based on the incorrect zoning of the entire site as Natural Open Space Zone under the WCC Proposed District Plan.</p> <p>Wellington City Council has now released the s42A report which recommends the correction of this error and the rezoning of part of the site to Medium Density Residential.</p> <p>Attached is an extract of the relevant sections of the officer's report in relation to the site at 9 Comber Place.</p> <p>The full s42A report can be found on WCC's website.</p>

9 Comber Place – Recommended Decision – Extract

3.3 General Submissions – Open Space and Recreation Zones

Matters raised by submitters

Rezoning / site specific

87. *Coronation Real Estate Ltd [62.1 and 62.5] advises that significant investment in the development of the site has occurred and is currently subject to existing resource consents, a pending resource consent and an existing building consent relating to development on the residentially zoned (northern) part of the site, and consequently seeks that the entirety of the site at 9 Comber Place is rezoned to MRZ.*
88. *WCC [266.47, opposed by Panorama Property Limited [FS11.41]] considers that part of 9 Comber Place, Johnsonville to the east of the Ridgelines and Hilltops Overlay should be re-zoned from NOSZ to MRZ to correct a mapping error. They advise that the relief sought would better reflect the zoning of the ODP.*

Assessment

Site specific rezoning

119. *Before addressing the specific submission points that seek a change in zone, to assist the Panel I have briefly outlined the approach I have taken in assessing these requests to ensure a consistent approach has been applied.*
120. *Although not clear in the s32 Evaluation Report for Open Space and Recreation zones, the general approach of the PDP has been to ‘rollover’ the ODP open space zoning by applying the National Planning Standards zone equivalent. However, I note that although this is generally the case this has not been strictly applied.*
121. *I also note that although the majority of open space and recreation zoned land is publicly owned, there are a number of situations where privately owned land has an open space or recreation zone applied to part of a site.*
122. *Submitters have raised the appropriateness of applying an open space zone to privately owned land, and in considering rezoning requests I considered that this is an appropriate starting point. In my opinion, the Environment Court’s decision on the Golf (2012) Limited v Thames-Coromandel District Council case provides helpful guidance in this respect. In simple terms, the Court found that it was not unlawful or necessarily inappropriate to apply an open space zone to privately owned land, but directed that certain matters were relevant in determining whether an open space zone was appropriate.*
123. *The following relevant considerations were identified:*
 - a. *the planning history (of the area and site including historic structure planning, land use zoning, approved resource consents) is a relevant consideration. As context, in the Golf (2012) case the historic decisions relating to the preservation of the natural character of the natural environment and the protection of it from unnecessary subdivision and development were a relevant consideration. Noting however that the Court did not consider that previous plan provisions should guide or be a baseline for the assessment of the proposed provisions, but simply provide an option for assessment of the appropriate zoning to achieve the purpose of the Act and give effect to the RPS, and achieve objectives of the Plan; and*
 - b. *the tenure of ownership is a relevant consideration with respect to the development rights and ability to engage in planning processes that have the potential to impact those rights.*
124. *To summarise, the approach I have taken when considering rezoning requests and whether an open space zone is appropriate for privately-owned land, I have undertaken a considered, step-by-step*

assessment of the planning history including the ODP zone and approved resource consents as relevant to inform my advice to the Panel. I have not simply adopted a position that applying an open space zone to privately-owned land is inappropriate, or that zoning should simply reflect the current ODP zoning or proposed use.

9 Comber Place, Johnsonville

130. In response to Coronation Real Estate Ltd [62.1 and 62.5] and WCC [266.47] I note that the ODP applies a split zone of Outer Residential and Open Space B to 9 Comber Place (as shown in Figure 6.). A resource consent has been approved for development (Council ref: SR 293235; and SR 515059) and earthworks have commenced on site. I also note that the split zoning in the ODP appears to follow the Hilltops and Ridgelines Overlay (shown as brown outlined and dotted area) of the ODP which has been carried through to the PDP (Figure 7.).



Figure 6. 9 Comber Place - WCC ODP zoning



Figure 7. 9 Comber Place – WCC PDP zoning and Hilltops and Ridgelines Overlay (arrows identify small portions of the site referred to in this report)

131. Due to the historic zoning and the consented and commenced development of part of the site, I do not consider it appropriate that the entire site is zoned NOSZ as notified in the PDP noting that WCC [266.47] confirmed this was an error.
132. I agree that the northern part of the site at 9 Comber Place zoned Outer Residential in the ODP (Figure 6.) should be rezoned to MRZ including the residual parts of northern section of the site where the Ridgelines and Hilltops Overlay applies (small triangles illustrated by Figure 7). The approved resource

consent plans (Council ref: SR515059) confirm low level of landform modification of these two small areas, likely due to the presence of the Ridgelines and Hilltops Overlay in the ODP which remains in the PDP. I do not consider it necessary to retain these small portions of the site as NOSZ and given the Ridgelines and Hilltops Overlay was not applied to residentially zoned land in the PDP, also recommend a consequential amendment to remove the Ridgelines and Hilltops Overlay from these two small areas. The remainder of site, specifically that on approved Lot 13 should (refer Figure 8.), in my opinion, retain a NOSZ.

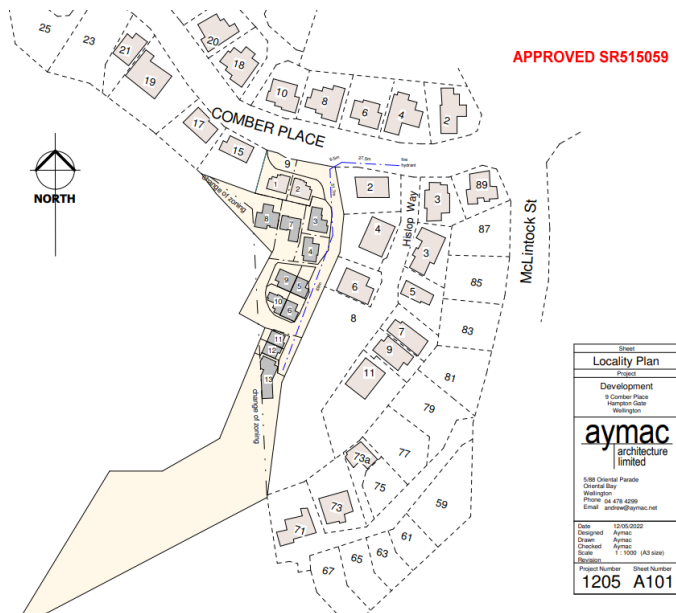


Figure 8.9 Comber Place – approved subdivision plans.

Summary of recommendations

149. HS7-OSR-Rec6: That that the zoning of 9 Comber Place is rezoned to MRZ, with the Hilltops and Ridgelines Overlay revised, as follows:

