



Report 10.7
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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 South Wairarapa District Council

2.1.1 Warburton appeal, State Highway, 2 Greytown

The subject of this appeal was an application to the South Wairarapa District Council for a 2 lot non-complying subdivision in the Rural Zone and Flood Hazard Area adjoining the Waiohine River. Greater Wellington had objected to the subdivision on flood hazard grounds and the Council declined the consent on the grounds of both rural amenity and flood risk. This decision was appealed by the applicant. Both the Environmental Policy and Flood Protection departments provided written evidence to the Environment Court, but did not have to present the evidence at the hearing as the Applicant provided no evidence to support his case. The appeal was declined.

2.2 Porirua City Council

2.2.1 The Brew family, 92 The Track, Plimmerton

Greater Wellington staff made a neutral submission on an application by the Brew Family to construct a new dwelling at 92 the Track, Plimmerton and to amend a consent notice on the Certificate of Title that prevents the erection of any dwelling or the removal of any vegetation.

As the officer's report from Porirua City Council recommended declining the consent, Greater Wellington staff tabled a letter to the commissioners seeking that our relief be taken into account, should the application be approved. The relief sought the insertion of additional conditions of consent, including:

- Amendments to an existing consent notice to reflect the intention of the proposed QEII covenant.
- Fencing of the covenant area prior to construction with the covenant area shown on a plan.
- Measures to remove animals, including stock, from the covenant area and an ongoing monitoring plan to be undertaken by residents of the dwelling.
- The preparation of a planting plan.

The commissioner's decision was to decline consent. The main reasons for declining consent were the effects on indigenous vegetation and landscape and the significance of the existing Consent notice on the title.

3. District Plan Changes

3.1 Wellington City Council

3.1.1 Proposed Plan Change 70 – Earthworks

This plan change was proposed to address a range of issues including erosion, dust, and sediment control and character and amenity of streams and wetlands. Our submission was summarised in Regulatory Committee Report 09.521.

Staff presented evidence at a hearing for this plan change on 10 December 2009.

The Officer's report recommendation was to control earthworks on a five metre setback from streams, which we were generally in agreement with. However the proposed provisions only addressed flood risk, not erosion risk, and created different rules for earthworks in different zones of the plan, particularly on the Porirua Stream.

Our evidence asked for erosion to also be taken into account and highlighted that flood problems and hazards do not distinguish between residential and industrial areas. We asked for a consistent planning framework for the length of the Porirua Stream (jointly managed by Greater Wellington and the City Council) and for earthworks to be controlled on a 10 metre setback rather than five metre along the stream.

3.1.2 Proposed plan changes 72 and 73 – Residential and Suburban Centre Reviews

These plan changes were reported on in Regulatory Committee Report 09.521.

We made submissions on these proposed plan changes, which would be complete replacements of the residential and suburban centre chapters of the Wellington City Council District Plan. Wellington City proposes to split the existing suburban centres into three different types of zones to ensure that sensitive activities, such as residential, do not impinge on industrial activities and so that the suburbs' shopping centres retain their retail character. In our submissions, we supported the regional form aspects of the plan changes, but we raised concerns with the way coastal and flooding natural hazards were addressed.

3.2 Porirua City Council

3.2.1 Plan Change 8 – Recreation and Open Space

This decision report on this plan change has been released and the plan change will be operative from 3 March 2010. No appeals were received.

3.2.2 Plan Change 10 – Suburban centre zone, and Plan change 11- Minor earthworks

Staff considered that no submission was necessary for either of these plan changes.

3.3 Kapiti Coast District Council

Proposed Private District Plan Change 81 – Otaki South Mixed Use Development Area

This private plan change and our submissions were summarised in Regulatory Committee Reports 09.15 and 09.221.

We supported the aim of the plan change which was to provide for mixed use development, however recommended some changes to better provide for the residual risk from flooding including stormwater, protection and integration of the river environment with the development and walking and cycling access.

The hearing was held on 1 March. Our concerns had been very well addressed by recommended changes to the plan change in the Planners Report, so we tabled a letter in support of these recommendations.

3.4 Hutt Coast District Council

Proposed District Plan Change 12 - Amendments to the Residential Provisions and Financial Contributions Chapter

This plan change is a review of residential provisions in the City to better enable infill and multi-unit development to accommodate population growth.

The plan change and our submissions have been reported in Regulatory Committee Reports 09.221 and 09.521

Our submission was in support of the main objectives of the plan change which was to extend existing higher density residential areas around shopping centres and transport routes and the use of a minimum permeable surface area to assist with stormwater management. We asked however that additional areas, which have been identified as in the 1:100 year flood hazard zone, be excluded from the intensification provisions of the plan change. The Officers Report recommended accepting this part of our submission.

The decision report for this plan change has now been released. The majority of the flood hazard areas have been removed from the intensification areas (now called 'medium density areas'), but in one location have been left in. We consider that the reasoning given in the report was not sufficient to justify intensification in these areas and an appeal to the Environment Court has been lodged.

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

This plan change addresses the key issues that have arisen from a review of the current Central Commercial Activity Area provisions in the District Plan, including providing for future growth, encouraging quality urban design principles and ensuring efficient implementation of the District Plan provisions. It is currently being reviewed by Council staff and in particular, the Flood Protection and Transportation teams as to the need to make a submission.

Proposed District Plan Change 15 – Corner of Poto Road, Normandale, zoning as General Residential Activity Area

This plan change sought to zone two parcels of Council-owned land on the corner of Poto Road, Normandale, to General Residential Activity Area. This was a result of outcomes of their Land Review Project. Currently the site has no zoning. This is to enable subdivision and development of the site for residential activity.

Staff considered that no submission was necessary.

4. Other policies and plans

4.1 'Restarting Aquaculture': A report by the Aquaculture Technical Advisory Group.

Government concerns regarding a lack of new aquaculture development in New Zealand led to the formation of a technical advisory group (TAG) to provide recommendations 'to enable the development of sustainable aquaculture in New Zealand'. The TAG report entitled 'Restarting Aquaculture' has been released, and feedback sought. Greater Wellington staff commented on how the recommendations will affect the way in which Greater

Wellington processes any future applications for aquaculture and manages its limited involvement with aquaculture activities in the region.

4.2 Hutt City Council - Land Review

The previous Regulatory Committee Report (09.746) highlighted that Hutt City Council was undertaking a review of land it owns and manages as part of its reserve network. The purpose of the review was to determine the best use of the land, including possible disposal.

Hutt City Council has voted to adopt the recommendations of the Strategy and Policy Committee meeting of 15 October 2009, which Greater Wellington staff attended. Recommendations included:

- Progressing with the ecological report on Areas 3 and 8 and depending on the outcome, undertaking geotechnical and engineering investigations.
- Removing Areas 5-7 and Areas 10-19 from the schedule of properties for possible development and be declared and classified as reserve.
- Further consideration of the development potential of Areas 1,2 and 9 once the outcome of detailed investigations are known and decisions made on Areas 3 and 8.

Greater Wellington staff were largely supportive of these recommendations, provided that thorough ecological assessments are undertaken of the areas regarded as having development potential and consideration given to issues such as sediment control, waterway protection and stormwater run-off.

4.3 New Zealand Transport Agency – Kapiti Expressway decision (Otaki bypass)

In October, Greater Wellington staff provided comment to the New Zealand Transport Agency (NZTA) on the proposed expressway routes for the Kapiti district. A formal submission was made by the Regional Transport Committee.

The NZTA made an announcement on 15 December 2009 on the planned route for the Kapiti expressway between Mackays Crossing and Otaki. This stretch of road is part of the Levin to Wellington Airport corridor identified by the government as one of the seven roads of National Significance. The Board's preference was for the Kapiti Western Link Road designation, broadly following the 'sand hills' corridor. This route was selected as it was considered to deliver the best results alongside continuing investment in local roads and public transport, will require the purchase of the smallest number of private homes, and avoids town centres.

The Board also confirmed the previously identified alignment between Peka Peka and Otaki which was chosen because it minimised impact on local businesses along the existing highway.

4.4 Methyl Bromide –response to the Environmental Risk Management Authority (ERMA)

An application has been made by the Chief Executive of ERMA New Zealand for the reassessment under the Hazardous Substances and New Organisms Act 1996 of the fumigant methyl bromide and of products containing methyl bromide.

Methyl bromide is an odourless, colourless gas, used internationally as a broad-spectrum fumigant. It has proved to be a highly effective means of treating timber, agricultural produce, buildings, vessels and containers to eradicate a wide range of pests.

ERMA will make the decision on the future use of methyl bromide in New Zealand. The Authority's decision will be based on whether or not the benefits of using methyl bromide outweigh the risks and costs of its availability, after taking into account safety precautions that might be imposed and the likely effects of the substance being unavailable.

Our submission asked that ERMA establish a contingency plan to allow the industry to prepare for alternatives to be developed before the next 10 year term expires and the use of methyl bromide is banned. In the interim, discharge plumes need to be adequately modelled to establish plume extent and direction and ensure that adequate buffer zones are developed to protect the public for all areas affected by the discharge plume.

4.5 Porirua City Council - Proposed Heritage Management Strategy

Greater Wellington has been part of Porirua City Council's Heritage Strategy Steering Group since 2005. We submitted in support of the Strategy, and made some minor suggestions for improvement. Initially the project was conceived as a cultural and historic heritage review, but has recently expanded to include natural heritage as well. The natural heritage work has not progressed as far as the cultural and historic heritage work, and we have pledged to provide whatever assistance we can. Porirua City Council has identified sites to include in their district plan, and intend to notify a district plan change later this year.

4.6 Proposed National Environmental Standard – soil contamination

The Ministry for the Environment have released a discussion document on a proposed national environment standard for assessing and managing contaminants in soil. Though primarily addressed to territorial authorities, staff are assessing the suggested provisions for consistency with Greater Wellington responsibilities and expect to be making a submission.

5. Recommendations

That the Committee:

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

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