

ref: Gifford/28876

13 April 2017

To: Lisa Bridson

Commissioner – Plan Change 45

Proposed Plan Change 45 - Response to Minute dated 11 April 2017

This letter represents the response to Commissioner Bridson in relation to her minute that has been circulated. Specifically, the applicant has been requested to respond to the Officers s.42 report in addition to providing further comments from KiwiRail.

We have reviewed the Officers s.42 report and concur with the conclusion the officer draws on the submissions received, and support the recommendations made within the report.

Please see the attached response from Kiwirail. In summary, the removal of the General Business Activity Area from the site makes no material difference to KiwiRail.

The applicant has not been asked to comment on the questions, contain in the minute, addressed to the Council officer. However, we have two observations in regards to the matters raised. Specifically, the second and third matters identified in the minute. With regard to the second matter, it is very difficult to speculate on the likelihood of notification for a future resource consent application. There are too many variables to be able to give a fully informed answer. The resource consenting process considers the effects of a proposal and makes a determination based on the effects of the development. These effects are determined from considering the final design of the proposal, against the expected outcomes of the District Plan, and then making a determination as to whether these effects meet the statutory tests under the Act. It is our view that the Plan Change process should not be trying to predetermine or speculate on the potential risk of notification from the future development on the site.

In regard to the third matter, we acknowledge that there are other similar land parcels around the City. Particularly, where parcels of land have been disposed where they adjoin rail corridors. It is our experience that these other road allotments are often to the rear of existing properties and virtually no road frontages. This means that these parcels tend to get incorporated into existing properties overtime. This is different to the application site, where it is its own parcel of land that has its own road frontage and is of a size that could accommodate a dwelling in future.

Cuttriss

Surveyors. Engineers. Planners.

We trust this response addresses the Commissioners minute. If further clarification is required please let me know.

Yours faithfully



Sam Gifford – Senior Planner
CUTTRISS CONSULTANTS LTD



Sam Gifford <samuelgifford@gmail.com>

Fwd: Mandel Mews - Plan Change 45

Sam Gifford <sam.gifford@cuttriss.co.nz>
To: Sam Gifford <samuelgifford@gmail.com>

Wed, Apr 12, 2017 at 11:26 AM

----- Forwarded message -----

From: **Rebecca Beals** <Rebecca.Beals@kiwirail.co.nz>
Date: 24 February 2017 at 09:35
Subject: RE: Mandel Mews - Plan Change 45
To: Sam Gifford <sam.gifford@cuttriss.co.nz>

Hi Sam,

No the general business zoning doesn't change things for us. Whatever the zone is, noise sensitive activities require mitigation. Business zone would mean these activities are less likely to occur, but in reality a 300mm strip isn't enough to actually use meaningfully I wouldn't have thought.

I wasn't going to submit on the Plan Change (am aware it closes today) – given the letter of approval attached to the application and the numerous references to the covenant as mitigation etc through the application. Happy to prepare a quick submission though if you think there is benefit to confirm that we're now aware of the two zones over the site and that it doesn't change our position. Let me know if you think there's value in that.

The legal contact for the covenant documentation is Lloyd Berryman – details below for you.

Lloyd Berryman

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Cheers,
Rebecca

Rebecca Beals**RMA Team Leader**

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