

Proposed District Plan Change 82: Minor Zone Changes & Associated Text Changes

Decision Report

Decision By: **Independent Hearing** Commissioner Jane Black

PROPOSED DISTRICT PLAN CHANGE 82 – Minor Zone Changes and Associated Text Changes

REPORT FOR WELLINGTON CITY COUNCIL

PREPARED BY JANE BLACK (INDEPENDENT HEARING COMMISSIONER)

6 April 2018

1. RECOMMENDATION

- 1.1. That Proposed District Plan Change 82 (DPC 82) minor zone changes and associated text changes be approved.

2. INTRODUCTION

- 2.1. Proposed District Plan Change 82 (DPC 82) involves minor zone changes and associated changes to the maps and texts of the Wellington City District Plan (the District Plan). The purpose of the plan change is to aid in the efficient functioning of the District Plan by providing appropriate zoning for future use and development of the properties involved. Full details of the plan change can be found on the Council website (<https://wellington.govt.nz/district-plan-change-82>).

3. THE PLAN CHANGE

- 3.1. DPC 82 comprises seven minor zone changes and associated changes to maps and text of the District Plan. A full explanation of the plan change is provided in the section 32 report that supported the Council's decision to notify the plan change (see Appendix 1 of this report).
- 3.2. Six of the zone changes relate to Council-owned land, including the recent purchase of a residential property at 6 Campbell Street, Karori. The other zone changes largely address anomalies or facilitate Council related land exchanges.
- 3.3. DPC 82 also includes minor text and map changes associated with the proposed

zone changes.

Zone and map changes - involving Council land

Council-owned housing

- 3.4.** 142 Tauhinu Road, Miramar – This property currently forms part of the Council's social housing portfolio. The house and associated yard area straddles the Open Space B and Outer Residential Areas. It is proposed that the Open Space B (Natural Environment) portion be rezoned as Outer Residential Area to ensure the site can continue to be appropriately managed and used for residential activities.

Council-owned open space

- 3.5.** Flagstaff Hill Park (16 Terrace Gardens, CBD) – Council acquired this land for ongoing use for open space purposes. The zoning of this inner city park is proposed to be changed from Inner Residential Area to Open Space A.
- 3.6.** 7C Melksham Drive, Churton Park – This bush-covered site is zoned Outer Residential, even though it is part of an adjoining Council owned reserve that is zoned Open Space A. It is proposed that the zoning of this site be changed to Open Space A to reflect its existing and intended future use.

Land exchanges involving Council reserves

- 3.7.** 43 Peppertree Lane, Woodridge – The purpose of this land exchange is to resolve an informal encroachment from a privately owned property (zoned Outer Residential) on to an adjoining Council reserve (zoned Open Space B). Notification of the land exchange took place under the Reserves Act 1977 in 2017, with no substantive issues being raised by neighbouring property owners or other interested parties. It is therefore proposed to swap the Open Space B and Outer Residential zoning of the land involved to reflect the approved exchange.
- 3.8.** St Gerard's Monastery, Mt Victoria – The purpose of this land exchange is for the Council to secure ownership of an existing path over the St Gerard's Monastery property that provides access to an adjoining reserve. Notification of the land exchange took place in 2016 under the Reserves Act 1977. It is therefore proposed to swap the Open Space B and Inner Residential zoning of the land areas involved

to reflect the approved land exchange.

Recently purchased property

- 3.9.** 6 Campbell Street, Karori – It is proposed that the zoning of this property be changed from Outer Residential to Centres to match the zoning of the adjoining Council-owned land at the corner of Karori Road and Campbell Street. The combined corner site is to be commercially developed in a way that complements the character and vitality of the Karori Town Centre. It is also proposed to amend the secondary street frontage provision shown on District Plan Map 48.

Zone Changes - involving private land

2A Myrtle Crescent, Mt Cook

- 3.10.** It is proposed that the zoning of a sliver of land along the Myrtle Crescent frontage of this property be changed from Inner Residential to Centres. This will resolve a subdivision-related irregularity in a way that is consistent with Centres zoning of the wider site and adjoining properties.

Text changes

- 3.11.** Minor amendments are proposed for Volume 1 of the District Plan to provide more specific references to the design guides for the Mt Victoria North and Thorndon Character Areas (refer to page 5 of the Section 32 report. These amendments support the St Gerard's zone change described above.

Text changes

- 3.12.** Minor amendments are proposed for Volume 1 of the District Plan to provide more specific references to the design guides for the Mt Victoria and Thorndon Character Areas. These amendments support the St Gerard's land swap.

4. NOTIFICATION AND SUBMISSIONS

- 4.1.** On 16 November 2017, the City Strategy Committee agreed to publicly notify DPC 82. The Plan Change was publicly notified on 11 December 2017 and submissions

closed on 9 February 2018. Thirteen submissions were received by the closing date. The summary of submissions was publicly notified on 2 March 2018. Two further submissions were received.

4.2. No submissions were received on the following zone changes:

142 Tauhinu Road, Miramar

43 Peppertree Lane, Woodridge

4.3. Each of the following zone changes received one submission in support, with no submissions in opposition:

Flagstaff Hill Park (16 Terrace Gardens)

7C Melksham Avenue, Churton Park

2A Myrtle Crescent, Mt Cook

4.4. The remaining 10 submissions and two further submissions relate to the zone changes for St Gerard's and 6 Campbell Street. These submissions were a mixture of support and opposition.

4.5. There were five submissions on the St Gerard's part of the plan change and these are summarised in the section 42A report. Three were in support, one in support with a requested amendment, and one in opposition.

4.6. The key reasons given by submitters for supporting the proposed changes relating to St Gerard's are:

- The underlying land exchange will secure Council ownership of an existing path over the privately-owned St Gerard's property.
- The environmental effects of any future development of an enlarged 1 Oriental Terrace will be controlled through the provisions of the Inner Residential Area, noting that all additions and alterations require a resource consent application that needs to be assessed against the Design Guide for the Mt Victoria North Character Area.

- The proposed text amendments will clarify the relevance of the Mt Victoria North Character Area to any future development of 1 Oriental Terrace.
- 4.7.** The key reasons given by the Mt Victoria Resident's Association (MVRA) for amending the proposed zone change and by Marian Evans for opposing the changes outright are:
- Changing the zoning of the unformed access leg associated with 52 McFarlane Street from Open Space B to Inner Residential, combined with the underlying land exchange, will enable development of an enlarged 1 Oriental Terrace in a way that will have adverse effects on:
 - Oriental Terrace amenities, through inappropriate scale and because of local geotechnical instability
 - A pohutukawa on the Council-owned reserve that is currently protected by a covenant
 - Views of the heritage-listed St Gerard's Monastery and Church buildings from Oriental Bay and
 - Views from Oriental Terrace to the Council-owned reserve at 52 McFarlane Street.
 - Concerns that the plan change notification letter that was sent to Oriental Terrace neighbours was not entirely clear about the property affected.
- 4.8.** There were five submissions and two further submissions received on the part of the plan change relating to 6 Campbell St. Two were in support, one was in support with a requested amendment, and two were opposed, one in part.
- 4.9.** The key reasons given by submitters for supporting the zone changes at 6 Campbell St are:
- That the proposed Centres zoning will help meet an established need for more commercially zoned land around the Karori Town Centre.
 - The zone change and addition to the secondary street frontage provision will be a

logical extension of existing District Plan provisions.

- The increase in Centres zoned land in this vicinity will enhance development options of the former St John's Church site on the corner of Karori Road and Campbell Street.
- Residential neighbours will be sufficiently protected by provisions of the Centres Area, including building and activity standards, the Centres Design Guide, and consent requirements for new buildings and structures.

4.10. The key reasons given by submitters for amending or opposing the zone change at 6 Campbell St are:

- The non-residential activities and associated vehicle movements provided for in the Centres Area will result in adverse noise, lightspill, shading, privacy, traffic and visual effects for adjoining and neighbouring residents.
- Ensuring that any new buildings or structure are sympathetic in design and scale to the residential houses which surround it and maintain the privacy and sunlight of neighbouring residents.
- Ensuring onsite and vehicle-related noise does not exceed residential noise levels.
- Requiring vehicle access to and from the corner site to be from Karori Road, or shared between Karori Road and Campbell Street.
- Using 6 Campbell Street as a buffer between the residential area and new commercial development. It is suggested that plants and/or a park on this land could work as such a buffer.

5. THE HEARING

5.1. Ms Jillian Kennemore presented the section 42A report that she had prepared. She first of all addressed the parts of the plan change that attracted no submissions, those that only had submissions in support and then focussed on the parts of the plan change relating to St Gerard's and 6 Campbell St.

Zone changes where no submissions were received:

- 142 Tauhinu Road, Miramar
- 43 Peppertree Lane and adjoining Council reserve, Woodridge

5.2. Ms Kennemore considered that the above zone changes are appropriate for the reasons outlined in the section 32 report. As no submissions were received on these zone changes, she recommended that they can be adopted as proposed without the need for further discussion. I agree with that recommendation.

That the following zone changes be approved as notified:

- 142 Tauhinu Road, Miramar - zone change from Open Space B to Outer Residential
- 43 Peppertree Lane and adjoining Council reserve, Woodridge – swap the Outer Residential and Open Space B zones for the land involved in a proposed land exchange.

Zone changes receiving submissions in support only:

Table 1

Zone change	Submitter
• Flagstaff Hill (16 Terrace Gardens), CBD	Neil Pryor on behalf of Flagstaff Hill Area Resident's Association (Submitter 5)
• 7C Melksham Drive, Churton Park	Brian Sheppard on behalf of Churton Park Community Association (Submitter 3)
• 2a Myrtle Crescent, Mt Cook	Frankie Rouse (Submitter 8)

5.3. One submitter, Mr Neil Pryor, appeared at the hearing and spoke in support of his submission. He was happy that this plan change recognised the importance of the site to the city. He asked that the Council consider providing more information about the site on its website and also by installing an interpretive panel to explain the history of the flagstaff and information about the people who lived in the area.

5.4. Ms Kennemore considered that the zone changes listed in Table 1 above are appropriate for the reasons outlined in the section 32 report. As each of these zone changes received one submission in support and no submissions in opposition she recommended that they can be adopted as proposed without the need for further discussion. I agree with that recommendation.

That decisions sought in the following submissions be accepted:

- Brian Sheppard on behalf of the Churton Park Community Association (submitter 3) – regarding the proposed zone change for 7C Melksham Avenue, Churton Park from Outer Residential to Open Space A

- Neil Pryor on behalf of the Flagstaff Hill Area Resident's Association (Submitter 5) – regarding the proposed zone change for Flagstaff Hill Park (16 Terrace Gardens, CBD) from Inner Residential to Open Space A
- Frankie Rouse (Submitter 8) – regarding the proposed zone change for part of 2A Myrtle Crescent from Inner Residential to Centres.

Minor text changes receiving submissions in support only:

Text Change	Submitter
<ul style="list-style-type: none"> • Text Changes to Chapter 4 - Residential Area Objectives and policies 	Heritage New Zealand
<ul style="list-style-type: none"> • Text Changes to Chapter 5 – Residential Area Rules, Standards and Appendices 	Heritage New Zealand

- 5.5.** Ms Kennemore explained that the text changes were required to ensure that the design guides for the Thorndon and Mt Victoria North Character Areas are considered as part of assessments of applications for resource consents.

That decisions sought in the following submissions be accepted:

- Heritage New Zealand (submitter 1) regarding minor text changes.

St Gerard's Monastery

- 5.6.** Turning to the St Gerard's Monastery part of the plan change, Ms Kennemore addressed the matters raised in submissions. Submitters were concerned that 1 Oriental Terrace would be developed and that the qualities that they currently enjoy will be lost. Principally she stressed that all development is subject to a resource consent and assessment against the design guide for the Mt Victoria North Character Area. Ms Kennemore said that overall the design guide is informed by the significance of St Gerard's and that this is an important consideration when assessing applications. She added that public notification or obtaining neighbours' approval would not be necessary unless there were infringements of standards. She also stressed that the Resource Management Act (RMA) requires non-notification if written approval was given and this was not a Council decision.
- 5.7.** Ms Kennemore reiterated that Oriental Terrace is not subject to the rules requiring a resource consent to demolish a pre-1930s building which was raised by submitters. This was a deliberate decision by the Council rather than any oversight and she referred to an assessment carried out by Graeme McIndoe, architect and

urban designer in 2008. He concluded that *'Oriental Terrace has a high degree of age consistency and a high number of pre-1930 buildings. However, they are neither rare nor visually prominent and differ markedly in character from the existing areas to which demolition controls already apply'.ⁱ*

- 5.8.** In Ms Kennemore's opinion, the submitter's request for protection of the view of St Gerard's from Oriental Bay beach was beyond the scope of this Plan Change. She added that there are a number of view shafts to St Gerard's from the city in the District Plan but these only apply to development in the Central Area. There are also height controls in Oriental Bay to protect views to St Gerard's. Any consideration of additional view shafts would require wider consultation and analysis. In addition, any application for a resource consent under Rule 5.3.5 for new buildings and additions/alterations would require assessment of the proposal's effect on St Gerard's as this would be undertaken with reference to the design guidelines.
- 5.9.** In response to submitters concerns about the use of the car deck that encroaches over the Oriental Terrace road reserve, Ms Kennemore said that any proposal to use this space would be assessed on a case by case basis both in relation to the District Plan and the Council's encroachment policy. Restriction on the use of this space is therefore outside the scope of this plan change.
- 5.10.** In relation to the concerns about the notification letter, Ms Kennemore's report outlined that the letter specified in a number of places including the letter heading, that the zone change affected 53 McFarlane St and 73 Hawker St.

Submitters

- 5.11.** Angela Rothwell, Sue Watt and Ellen Blake appeared in support of the submission by Mt Victoria Resident's Association (MVRA).
- 5.12.** Ms Rothwell stated the MVRA's support for the proposed rezoning but expressed concerns regarding the consequences of potential development of 1 Oriental Terrace. Ms Watt requested that a viewshaft be created to protect the north facing façade of St Gerard's Monastery, as they feel that it would align with the existing District Plan provisions regarding viewshafts and the city facing façade. Ms Watt considered that this would also be consistent with Part 2 of the RMA and meet the foreseeable needs of future generations, in reference to the historic

heritage values of the Mt Victoria North Area and the relationship between the houses and St Gerard's Monastery.

5.13. Ms Watt stated the MVRA's concern regarding Council officer's discretion around the existing height limits and the ability to exceed the stated limits. Ms Blake explained that since 1 Oriental Terrace would result in a larger site area it could allow for a bigger building in terms of the height and bulk. Ms Blake suggested that the limits or amount of discretion permitted within those provisions of the District Plan should be a smaller amount so the height would not dramatically exceed the limits. Ms Blake stated that there is concern for this as many buildings in the area have exceeded the limits. Ms Blake wishes to ensure that buildings on this particular site do not exceed the limits drastically due to its proximity to such a significant site (being St Gerard's). Ms Blake commented that the MVRA wanted to ensure there would be opportunities for public input or submissions if there was a proposal that exceeded standards.

5.14. Marian Evans appeared in support of her submission. She had three key points to address:

- *St Gerard's position among the heritage houses of Mt Victoria and the 'green' elements of Mt Victoria (including Open Space B's very special viewshaft);*
- *The extraordinary heritage significance of 1 Oriental Terrace itself;*
- *The risks to the stability of the land through development of 1 Oriental Terrace and/or the strengthening of St Gerard's.*

She expanded on these points by saying that the sale of 1 Oriental Terrace will not contribute significantly to the cost to strengthen St Gerard's and therefore does not justify undermining other values. She considered that Council has a responsibility to exercise stewardship over historic heritage (being in this case the domestic architecture of 1 Oriental Terrace and St Gerard's) and outstanding natural features and landscapes (being the green belt and Mt Victoria lookout walkway as well as St Gerard's park).

5.15. She raised concerns about ground stability and the recent slips on the area and earthquakes. She said that redevelopment of the site at 1 Oriental Terrace could undermine the stability of St Gerard's.

- 5.16.** Gordon Copeland spoke in support of the submission made by the Institute for World Evangelisation (ICPE).
- 5.17.** Mr Copeland said that they have a legal and moral obligation to strengthen both the Church and the Monastery as they are earthquake-prone buildings. He explained that they currently have 47 residents living in the monastery. Although ICPE have until 2027 to strengthen the Monastery, Mr Copeland explained that there is more pressure to do it sooner because of the residential use of the building. He then explained that strengthening requires a multi-million dollar public funded campaign and that selling the property helps contribute to this.
- 5.18.** In his view, selling 1 Oriental Terrace would be a 'win-win' and Council would gain the ownership of the access to the reserve and the restoration or potential redevelopment of the property (1 Oriental Terrace) which would contribute to Council rates.
- 5.19.** Mr Copeland also noted that the fence that is currently in between the two areas (1 Oriental Terrace and St Gerard's/the Reserve) is untidy, but with this land swap could allow for it to be better landscaped.
- 5.20.** He considered that views would not be impacted due to the topography around the site and views downhill, and that there will still be clear views to Oriental Bay if the site were redeveloped. He stated that the potential redevelopment of 1 Oriental Terrace could be repositioned on the site to minimize any potential impact on views.
- 5.21.** Mr Copeland also stated that they had the support of Heritage New Zealand which shows that they recognize the Category 1 Heritage site will not be negatively affected.

Consideration of Issues

- 5.22.** Having read the Section 42A report and submissions and having heard oral submissions, I am of the view that the main concerns lie with the potential effects of the redevelopment of 1 Oriental Terrace. I agree with Ms Kennemore that the issue raised about viewshafts is outside the scope of the plan change. The building at 1 Oriental Terrace is not listed in the District Plan as a heritage building and there is no provision restricting its demolition. It also needs to be noted that this plan

change applies to a small piece of land that will be added to the site at 1 Oriental Terrace and rezoned Inner Residential (in line with the zoning of 1 Oriental Terrace) and a small piece of land will be rezoned Open Space B. The site at 1 Oriental Terrace could already be redeveloped regardless of this plan change. The fact that the site will be larger has raised concerns that there could be greater development.

- 5.23.** Ms Kennemore outlined the provisions applying to the site and it is clear that all new buildings and structures in the Inner Residential Area required a resource consent under Rule 5.3.5. They are assessed against the Mt Victoria North Character Area design guide the aim of which is to ensure that new development is compatible with the scale and character of the area. Consideration of the relationship to St Gerard's is part of that assessment. Any non-compliances with building standards will also trigger a resource consent.
- 5.24.** I am satisfied that the concerns of the submitters in relation to the adequacy of the provisions of the District Plan to safeguard the amenity and character of the area can be addressed and I therefore recommend that this part of the plan change be adopted.

That decisions sought in the following submissions be accepted:

- *Heritage New Zealand - Submitter 1*
- *Gordon Copeland on behalf of the Institute for World Evangelisation – International Catholic Programme of Evangelisation (ICPE Mission) (NZ Branch) – Submitter 2*
- *Joanna Newman on behalf of the Mt Victoria Historical Society Inc. - Submitter 10*

That decisions sought in the following submissions be rejected:

- *Angela Rothwell on behalf of the Mt Victoria Resident's Association – Submitter 9*
- *Marian Evans – Submitter 13*

6 Campbell Street

- 5.25.** Ms Kennemore outlined the proposal to rezone 6 Campbell St from Outer Residential to Centres and addressed submitters' concerns. Those opposed to the rezoning were primarily concerned about the potential effects of a commercial development on the amenity of the area. Ms Kennemore said that all new buildings (except for very small buildings) in the Centres Area require a resource consent and are assessed against the Centres Design Guide. The matters under

consideration aim to ensure that any new development is respectful of its context, well located in relation to the street and its neighbours and well designed.

- 5.26.** She also said that there were special requirements for buildings that were adjacent to a Residential Area. These relate to setbacks from the boundary, location and treatment of windows and location of decks.
- 5.27.** When asked about the effects of a 12m high development on the site, Ms Kennemore stated that the effects that are associated with height include visual appearance, shade and dominance. She considered that the key issue in this instance is what the additional effect would be by adding 6 Campbell Street to the Centres zoning when a lot of potential development on this site could already happen under the current provisions. Ms Kennemore also stated the key neighbours who could be impacted are the neighbours at 8 Campbell Street next door.
- 5.28.** Ms Kennemore explained the effects by reference to a diagram that showed the requirements and standards for the frontage along Campbell Street. Ms. Kennemore discussed the difference in the rules between the two zonings.
- 5.29.** By extending the secondary frontage provisions from the St John's site across 6 Campbell St, development of the site would have to have an active building edge.
- 5.30.** In response to some submitters' concerns about noise, Ms Kennemore said that the proposed zone change would result in little change in noise standards for residential properties opposite the site. For the adjacent residential properties there would be a decrease of 5dB in the general activity noise standard (between 10pm and 7am) and an increase of 5dB in the permitted daytime fixed plant noise limit. Mr Ryan Cameron, the Council's Senior Environmental Noise Officer commented that as the daytime ambient noise levels already exceeded the permitted noise limits, any increase in noise levels would be negligible.
- 5.31.** In relation to concerns about a potential increase in traffic, Ms Kennemore considered that there would not be a significant increase in traffic movements or that the existing situation would worsen. She said that the site would probably be developed with the St John's site and that the standards for the Centres Area were sufficient to manage any effects through the resource consent process. She

added that the addition of 6 Campbell St to the St John's site will enable a larger development site more capable of providing onsite servicing with fewer vehicle crossings.

- 5.32.** Some submitters were concerned that there could be lightspill from the site to adjacent residential properties. Ms Kennemore said that there were standards in the Centres Area to limit lightspill into the windows of residential buildings in the Residential Area. Any non-compliance would require a resource consent.

Submitters

- 5.33.** Mr Bill Guest appeared at the hearing on behalf of Lesleigh Salinger who had made a submission in support of the plan change. Mr Guest addressed Ms Salinger's concern with the current state of the Karori Town Centre and noted that she was supportive of the necessary demolition of St John's Church. Mr Guest stated that Ms Salinger was pleased with the Council's purchase of the property at 6 Campbell Street and for the potential development that could result by providing a more sizeable plot of land. Mr Guest explained that the house currently situated on 6 Campbell Street was in poor condition and that the combination of the two properties could be a positive trigger for a meaningful development for the Karori Town Centre.
- 5.34.** Ms Salinger was confident that the existing planning controls would ensure appropriate development of the site, and that it would be a disappointment if this opportunity was lost.
- 5.35.** Mr Guest also advocated that this property would also provide alternative access to the Karori Event Centre, as access could be more suitable from Campbell Street compared with Karori Road where a Mobil Service Station is located.
- 5.36.** Mr Sam Butts appeared in support of his submission opposing the proposed rezoning. Mr Butts lives at 7 Campbell St opposite the site. Mr Butts stated his particular concerns were centred around impacts on safety, privacy, and comfort of residents on the street. He stated there are a number of families who live on this street with young children and said that it was important to ensure that any potential development should consider this on an already busy street corner. Mr Butts was also concerned about the impact of light and noise for young children in the day time.

- 5.37.** Mr Butts suggested the design of the site should be sympathetic to the surrounding housing and not detract from the character of the area. He noted it should be seen as an opportunity to design a building that enhances the character of the area. He said he would like the residents to be consulted in the design process of any potential development. Mr. Butts stated the issues raised have all been considered in the Ministry for the Environment's New Zealand Urban Design Protocol and made a brief reference to this.

Consideration of Issues

- 5.38.** It is clear that the main issues are around the potential effects of any development of 6 Campbell St on the amenities of the surrounding residential properties. It is important to note that this is a small site that will be added on to the larger St Johns site which can be developed under the Centres Area zone already. Nevertheless consideration of the effects on the residential amenity is required.
- 5.39.** That a resource consent for all new buildings (except for very small buildings) in the Centres Area is required provides the opportunity for assessment of any proposal against the Centres Area Design Guide to ensure that it is compatible with its surroundings and to respect its neighbours. The development standards for this site also recognise that special measures need to be taken to manage effects at the boundary of residential properties. Any non-compliance would also require a resource consent. I am satisfied that the concerns of the submitters can be addressed through the provisions of the District Plan and that the amenity of the residential area can be maintained. I therefore recommend that this part of the Plan Change be approved.

That decisions sought in the following submissions be accepted:

Lesleigh Anne Salinger - Submitter 6

Heather Sinclair on behalf of the Karori Association – Submitter 12 and Further Submission 2

That decisions sought in the following submissions and further submitter be rejected:

Jacqueline Anstead – Submitter 4

Sam Butts – Submitter 7 and Further Submission 1

Keith Wooley – Submitter 11

6. Statutory Framework

- 6.1.** Council functions – Section 31

- The District Plan is one means to assist the Council to carry out its functions under section 31 of the RMA for the purpose of giving effect to the RMA in its district. These functions include the establishment, implementation, and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- DPC 82 involves minor zone changes and associated changes to the maps and text of the District Plan. The purpose of the plan change is to aid in the efficient administration of the District Plan by providing appropriate zoning for the future use and development of the properties involved.

6.2. National Policy Statements, National Environmental Standards and Regional Policy Statement

- There are no National Policy Statements or National Environmental Standards relevant to DPC 82. The New Zealand Coastal Policy Statement is also not considered relevant. There is nothing specifically relevant in the Wellington Regional Policy Statement or relevant Management Plans and Strategies under other Acts.

6.3. Part 2 Assessment

- DPC 82 is consistent with the promotion of sustainable management of natural and physical resources by enabling appropriate use and development of the sites the subject of this plan change.
- I do not believe that any of the matters of national importance under section 6 are relevant to DPC 82 and no party has raised issues regarding Section 8 (Treaty of Waitangi considerations).
- DPC 82 is consistent with Sections 7 (a), (b) and (c) of the RMA as the plan change will result in an efficient use of the land resource and existing infrastructure while ensuring that any potential adverse amenity effects are avoided, remedied and/or mitigated and the quality of the environment is maintained.

6.4. Section 32

- The purpose of proposed Plan Change 82 is to enable the efficient and effective functioning of the District Plan under the RMA. This approach is considered to be the most appropriate way to achieve the purpose of the RMA for the following reasons:
 - The proposed amendments are designed to effectively and efficiently address targeted issues in ways that are consistent with the objectives and policies of the District Plan while avoiding major disruption to the overall approach of the District Plan
 - The minor zone changes will accurately reflect the purpose the land involved. This provides clarity around current and future land uses and provides for the efficient use of the land
 - The proposed amendments avoid unnecessary effort and associated costs until a major District Plan review is carried out
 - Overall, it is considered that the benefits of these amendments outweigh their costs.



Jane Black

Independent Commissioner

Section 32 Report

Proposed District Plan Change 82: Minor Zone Changes & Associated Text Changes

Section 32 Report: Plan
change rational -
consideration of alternatives,
benefits and costs

December 2017

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1. Introduction: Purpose of Section 32 Report

This plan change proposal is the result of ongoing monitoring of the Wellington City District Plan (the District Plan). It does not involve any major changes to existing objectives and policies. Instead, the plan change makes minor zone changes and associated text changes to ensure the District Plan functions in a way that most effectively and efficiently achieves the purposes of the Resource Management Act 1991 (RMA).

The Council is required to undertake an evaluation of the proposed Plan Change before the Plan Change can be publicly notified. This duty is conferred by Section 32 of the RMA, which sets out what an evaluation report must cover:

(1) An evaluation report required under this Act must -

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

(2) An assessment under subsection (1)(b)(ii) must :

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Best practice advice from the Ministry for the Environment encourages an iterative evaluation process with the main goals being that:

- Objectives, policies and methods are well tested against the purpose of the RMA; and
- The anticipated benefits of introducing new regulation outweigh the anticipated costs and risks.

This report is Wellington City Council's response to this statutory requirement. It documents the analysis that has taken place so that stake-holders and decision-makers can understand the rationale for the proposed plan change.

2. Statutory Context

2.1. Purpose and Principles of the RMA

The purpose and principles of the RMA are set out in Part II of the Act.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 5 of the RMA describes this purpose as the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying and mitigating any adverse effects of activities on the environment.*

Part II also includes other sections, with the most pertinent provisions in this case being the requirement of Section 7 to give particular regard to:

- (b) the efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) maintenance and enhancement of the quality of the environment*

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account.

2.2. Consultation

The proposed amendments to the District Plan have been discussed with potentially interested parties. Details of this consultation are provided in later sections of this report.

Consultation on the entire proposed plan change will also be undertaken with parties identified in the First Schedule of the RMA, specifically:

- Ministry for the Environment
- Port Nicholson Block Settlement Trust
- Te Runanga O Toa Rangatira Inc.
- Greater Wellington Regional Council
- Department of Conservation
- Heritage New Zealand

3. Description of the Plan Change

This plan change comprises seven minor zone changes across the City. They have been identified as necessary by various users of the District Plan, including Council staff. Two minor text changes are also proposed to support one of the zone changes.

As noted above, the overall Plan Change does not involve significant changes to existing objectives and policies. Instead, minor zone changes are proposed to ensure the effective and efficient functioning of the District Plan.

The proposed changes include:

- Volume 1: Objectives, Policies and Rules - Two minor changes
- Volume 3: Maps - Seven minor zone changes

4. Proposed Changes to Volume 1: Objectives, Policies and Rules

4.1. References to design guides for the Mt Victoria and Thorndon Character Areas

These changes support the zone change described in Section 5.5 below.

4.1.1 Chapter 4 – Residential Area Objectives and Policies

It is proposed that the list of methods and explanatory text under Policy 4.2.2.1 be amended to ensure that the design guides for the Thorndon and the Mt Victoria North Character Areas are taken into account when assessing resource consent applications in these Areas.

The Residential Design Guide was introduced via District Plan Change 72 (DPC72) (Residential review). The Design Guide applies to development in all Residential Areas of the City and provides appendices for specific parts of the City (including Thorndon and Mt Victoria). However, this did not replace the existing design guides for the Mt Victoria North Character Area and the Thorndon Character Area which provide additional guidance for the consideration of resource consent applications in these Areas.

Proposed Changes - Amend the methods and explanatory text for Policy 4.2.2.1 as follows:

Policy 4.2.2.1 Maintain the character of Wellington’s inner city suburbs.

...

METHODS

- Rules
- ~~Residential~~ Design Guides

...

Building proposals will be assessed against the Residential Design Guide (including the Thorndon and Mt Victoria appendices), the Thorndon Character Area Design Guide and the Mt Victoria North Character Area Design Guide, as relevant to the proposal.

4.1.2 Chapter 5 – Residential Area Rules, Standards and Appendices

Under Rule 5.3.5, the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures in the Thorndon and Mt Victoria North Character Areas requires a resource consent as a Discretionary Activity (Restricted) in respect of:

- *design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)*
- *provision of parking and site access*

It is proposed that the side note associated with Rule 5.3.5 be amended to make it clear the design guides for the Thorndon and Mt Victoria North Character Areas are relevant to the consideration of resource consent applications under this rule. This change supports the amendments outlined in sections 4.1.1 and 5.5 of this report.

Proposed Changes - Amend the side note for Rule 5.3.5 as follows:

Rule 5.3.5

...

Note, section 3.2.4 requires a Design Statement to accompany any application for resource consent that is to be assessed against the Residential Design Guide, the Thorndon Character Area Design Guide or the Mt Victoria North Design Guide, as relevant to the proposal.

4.2. Section 32 Considerations

It is considered that the proposed amendments described above are appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below. This analysis is relevant to considering the efficiency, effectiveness and appropriateness of the proposed plan change, as required under Section 32 of the RMA:

- The costs (or disadvantages) of the amendments are considered to be low given that they clarify the intention that the design guides for the Mt Victoria North and Thorndon Character Areas be taken into account when resource consents are required for sites in these Character Areas. This is consistent with current practice.
- The benefits of the amendments include greater clarity as to how the relevant objectives and policies of the District Plan are to be given effect to through District Plan rules, standards and other methods. In particular, the changes will reduce ambiguity in the assessment of resource consent applications. If these changes are not made, the possibility of misinterpretation and unintended environmental outcomes will be an ongoing risk.

5. Volume 3 – District Plan Maps

5.1. Zone Change - 142 Tauhinu Road, Miramar

A zone change is proposed to address the split zoning of a Council-owned property in Miramar. Details of the zone change are shown in Attachment 1 of this report.

The house at 142 Tauhinu Road, Miramar straddles the boundary between Open Space B (shaded green) and Outer Residential Area (shaded yellow), as shown in Figure 1.



Figure 1: Location (circled) and District Plan zoning of 142 Tauhinu Road, Miramar

- The houses numbered 130-144 Tauhinu Road are all owned by the Council, as part of its social housing portfolio
- These houses and the adjoining reserve are all on the same title. The title does not have reserve status
- The houses are managed by City Housing and the Open Space portion is managed by Parks, Sport and Recreation
- The split zoning was identified through a routine check by Council's Property Team.

Residential activities are inconsistent with the provisions of the Open Space B zone. Future additions and alterations to the existing house could trigger the need for resource consent, even though the Open Space land involved is not considered to have open space or conservation values. It is therefore considered appropriate to rezone this portion to Outer Residential. This would be consistent with how the site is used and allow it to be appropriately managed as part of the Council's housing portfolio.

5.1.1 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the site is already developed and used for residential purposes (with associated existing use rights). Due to its topography and adjoining development, the site is not readily available for open space use. The area involved is small, compared to the size of the wider area of the adjoining portion of Open Space B (natural environment) land.
- The benefits of the zone change include enabling the housing stock to be efficiently managed. It also provides a logical boundary between the areas of Open Space B and the Outer Residential Area and creates an accurate expectation regarding future development of this site. Not proceeding with the zone change would expose the site to the risk of unnecessary resource consents and associated costs.

5.2. Zone Change - 16 Terrace Gardens (Flagstaff Hill), Te Aro

A zone change is proposed to reflect the current and intended future use of an inner city park at 16 Terrace Gardens (see photograph in Figure 2 below). Details of the zone change are shown in Attachment 2 of this report.



Figure 2: Photograph of Flagstaff Hill Park

Figure 3 shows the location and zoning of a Council-owned property known as Flagstaff Hill (16 Terrace Gardens). It is accessed via Flagstaff Lane, from the western side of Willis Street in the vicinity of Willis Street Village. The site has been used as a park since 1972, but was only acquired by Council in 2015.



Figure 3: Location (star symbol) and current zoning of 16 Terrace Gardens

The property is currently zoned Inner Residential (shaded orange), reflecting the adjoining residential land use and zoning to the north, west and south. It also reflects the earlier private ownership of the site. Now that the site has been secured by the Council for long term use as an inner city park, it is appropriate to change the zoning to Open Space A (Recreational Facilities). A zoning of Open Space A is consistent with the zoning of other Council-owned green spaces in the vicinity, such as 8, 9 and 12 Terrace Gardens (shaded green in Figure 3).

5.2.1 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of changing the zone from residential to open space are considered to be low given that the site is already being used for open space purposes and will remain as such. .
- The benefits of the zone change include greater clarity regarding the current use of the site and expectations regarding its future use and development. The proposed Open Space A (Recreational Facilities) zoning is in keeping with similar Council-owned land in the vicinity.

5.3. Zone Change - 7C Melksham Drive, Churton Park

A zone change is proposed to reflect current and intended future use of an reserve lot in Churton Park. Details of the zone change are shown in Attachment 3 of this report.

Figure 4 shows an area of Churton Park to the north of the shopping centre including a 1,436m² land-locked, Council-owned lot with a street address of 7C Melksham Drive. The lot is part of a wider bush-covered gully that Council holds as a recreation reserve. This lot is zoned Outer Residential (shaded yellow), whereas the wider reserve is zoned Open Space A (shaded green). This zoning anomaly stems from the timing of subdivisions and plan changes in the area.



Figure 4: Aerial photographs showing location (star symbol) and District Plan zoning of 7C Melksham Drive, Churton Park

The Outer Residential zoning of 7C Melksham Drive creates an inaccurate expectation of its future use and development. Accordingly, it is proposed that the zoning of this property be changed from Outer Residential to Open Space A (Recreational Facilities). The proposed zoning is in keeping with the intended use of the property and the zoning of the wider recreation reserve.

5.3.1 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of changing the zone from residential to open space are considered to be low given that the site is already being used for open space purposes and the intention is to keep it that way.
- The benefits of the zone change include greater clarity regarding the anticipated use and development of this site. The change will also provide a logical boundary between the areas of Open Space A (Recreational Facilities) and the Outer Residential Area.

5.4. Zone Change - 43 Peppertree Lane land exchange, Woodridge

A zone change is proposed to facilitate a land exchange to resolve a private residential encroachment on to an adjoining Council reserve. Details of the zone change are shown in Attachment 4 of this report.

Figure 5 shows a residential property at 43 Peppertree Lane, Woodridge. This property is zoned Outer Residential. The owners of the property have informally (and mistakenly) encroached on to an adjoining Council-owned scenic reserve (see star symbol). The reserve is zoned Open Space B (Natural Environment) and extends from Colchester Lane (to the south) to Mark Avenue (to the north).



Figure 5: Aerial photographs showing the encroachment (star symbol) of 43 Peppertree Lane, Woodridge, onto the adjoining Council reserve

It is likely that bulk earthworks associated with an earlier subdivision inadvertently extended beyond the boundary for 43 Peppertree Lane onto the adjoining reserve. Over the years, the owners have fenced the informal encroachment and landscaped it with lawns and gardens. The following photograph in Figure 6, taken from the street frontage, shows that the encroachment is not readily visible beyond the site.



Figure 6: Photograph showing street frontage of 43 Peppertree Lane, Woodridge

In September 2016, the Council agreed in principle for the informal encroachment to be exchanged for an area of bush in the rear yard of 43 Peppertree Lane. This exchange will also include a financial contribution from the private owner to cover the different land areas involved. To facilitate this land exchange, it is proposed that the areas be re-zoned accordingly, as shown in Figure 7.

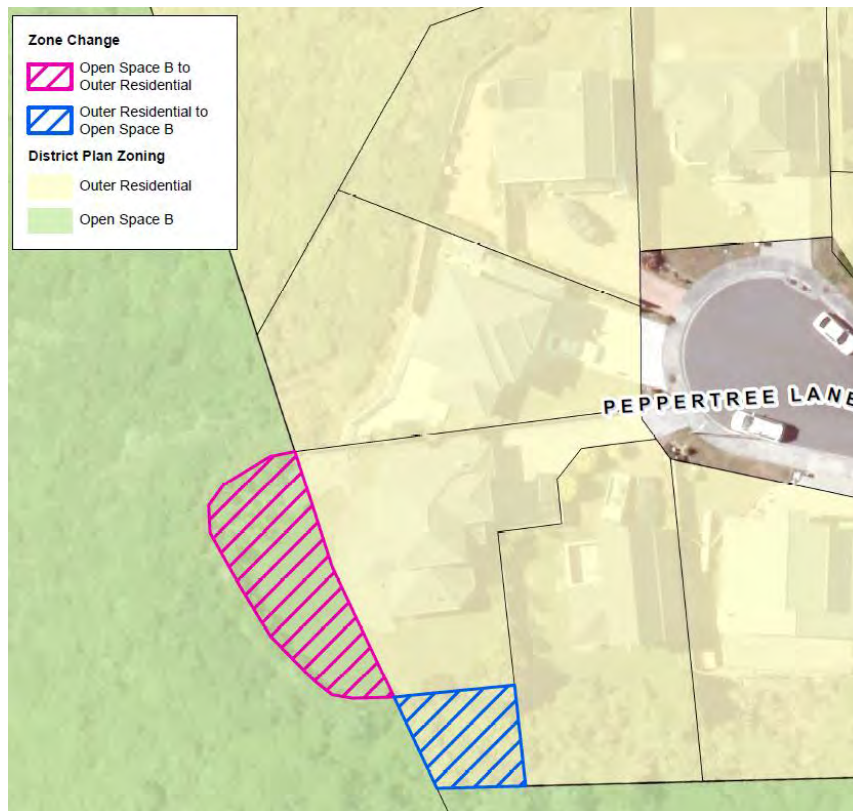


Figure 7: Proposed rezoning of the land exchange at 43 Peppertree Lane, Woodridge

5.4.1 Consultation

In March 2017, Council's Property team sent letters to the following parties to explain the proposed land exchange:

- 24 Peppertree Lane
- 41 Peppertree Lane
- Newlands Paparangi Progressive Association
- Seton Nossiter Park Working Group

No responses were received and the proposal was formally notified under the Reserves Act 1977. Submissions closed 12 June 2017, with no substantive issues being raised.

Further interest is considered to be unlikely. However, members of the public will have further opportunities to formally submit on the zone change when this proposed plan change is publicly notified under the RMA.

5.4.2 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the area of recreation reserve involved is small and relatively inaccessible. Also, it is

considered that any future development of 43 Peppertree Lane will still be in keeping with the scale of neighbouring development, even though it will be slightly larger.

- The benefits of the zone change include greater clarity to District Plan users regarding the anticipated use and development of the land areas involved. The zone change will also provide a logical boundary between the areas of Open Space B (Natural Environment) and Outer Residential Area.

5.5. Zone Change - St Gerard's Monastery land exchange, Mt Victoria

A zone change is proposed to facilitate a land exchange to secure ownership of an existing access path to a council-owned reserve adjoining St Gerard's Monastery. Details of the zone change are shown in Attachment 5 of this report.

Figure 8 shows the land involved in the proposed land exchange, including the current land parcels and their ownership. The existing access path crosses the land that contains the St Gerard's Monastery building; this property is owned by the Institute for World Evangelisation (ICPE). An unformed access leg extends between the Council reserve and the Oriental Terrace zig-zag pathway that provides pedestrian only access between the top of Hawker Street and Oriental Parade. The unformed access leg sits between the eastern side of the St Gerard's property and a ICPE-owned residential property at 1 Oriental Terrace.



Figure 8: Showing the land involved in the proposed St Gerard's land exchange

In early 2016, the Council resolved to undertake the land exchange under the Reserves Act 1977. The formed path is to become part of the Council reserve. In return, the unformed access leg will become part of the residential property at 1 Oriental Terrace. The ICPE intends to sell 1 Oriental Terrace to help fund seismic strengthening of St Gerard's. The triangular piece of land between the formed path and the unformed access leg will also become part of 1 Oriental Terrace given that it is separated from St Gerard's by the formed path.

Rearrangement of the boundaries will be carried out through a subdivision under the Reserves Act 1977, as shown in Figure 9, which also shows existing and proposed easements:

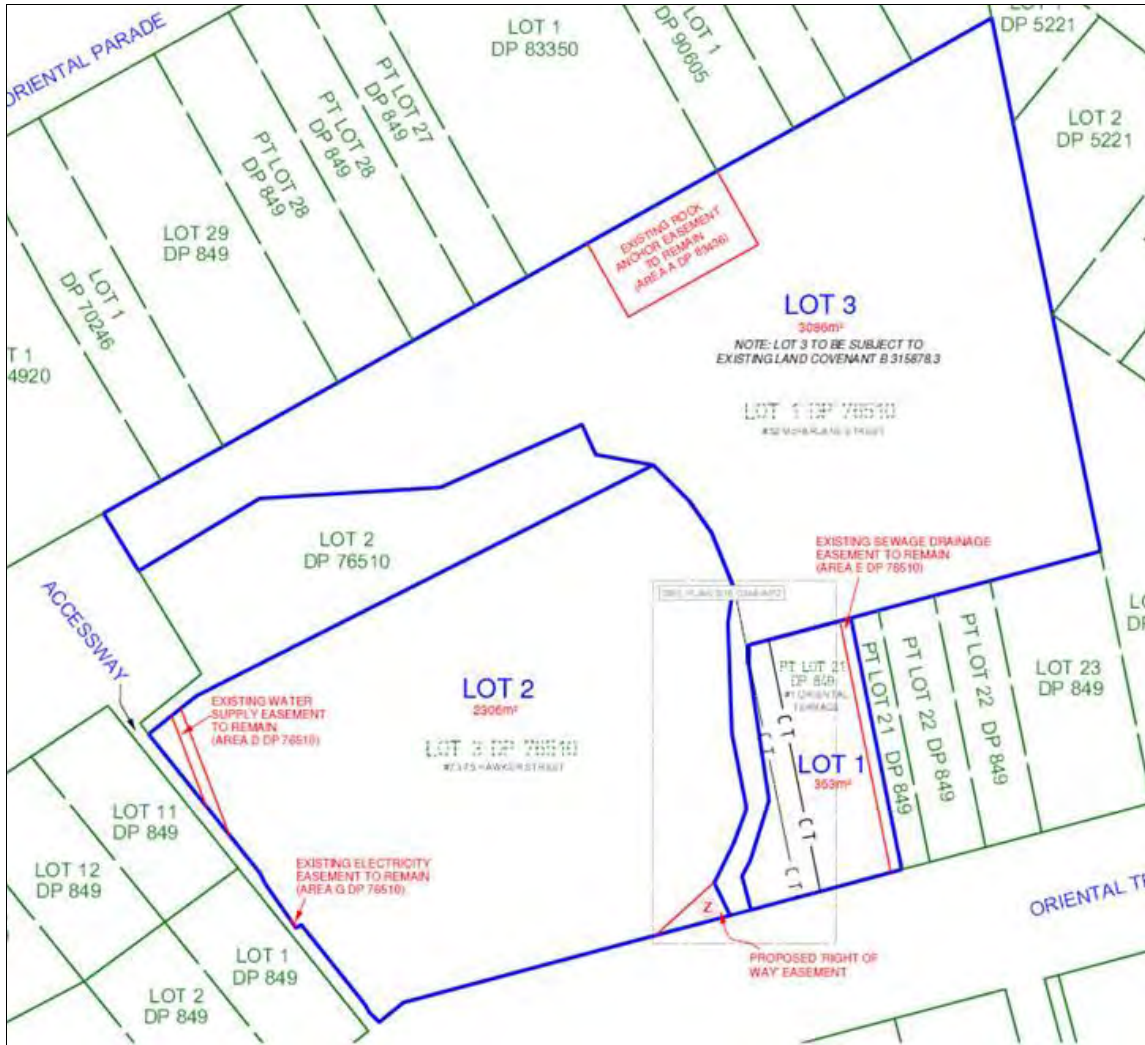


Figure 9: Proposed subdivision to facilitate St Gerard's land exchange

The Council's resolution to proceed with the land exchange is subject to a District Plan change under the RMA to rezone the land involved (as shown in Figure 10):

- The formed access path will be changed from Inner Residential to Open Space, in keeping with the Open Space B zoning of the wider reserve, and
- The unformed access leg will be changed from Open Space B to Inner Residential, in keeping with the zoning of 1 Oriental Terrace and the triangle of land from the St Gerard's lot.

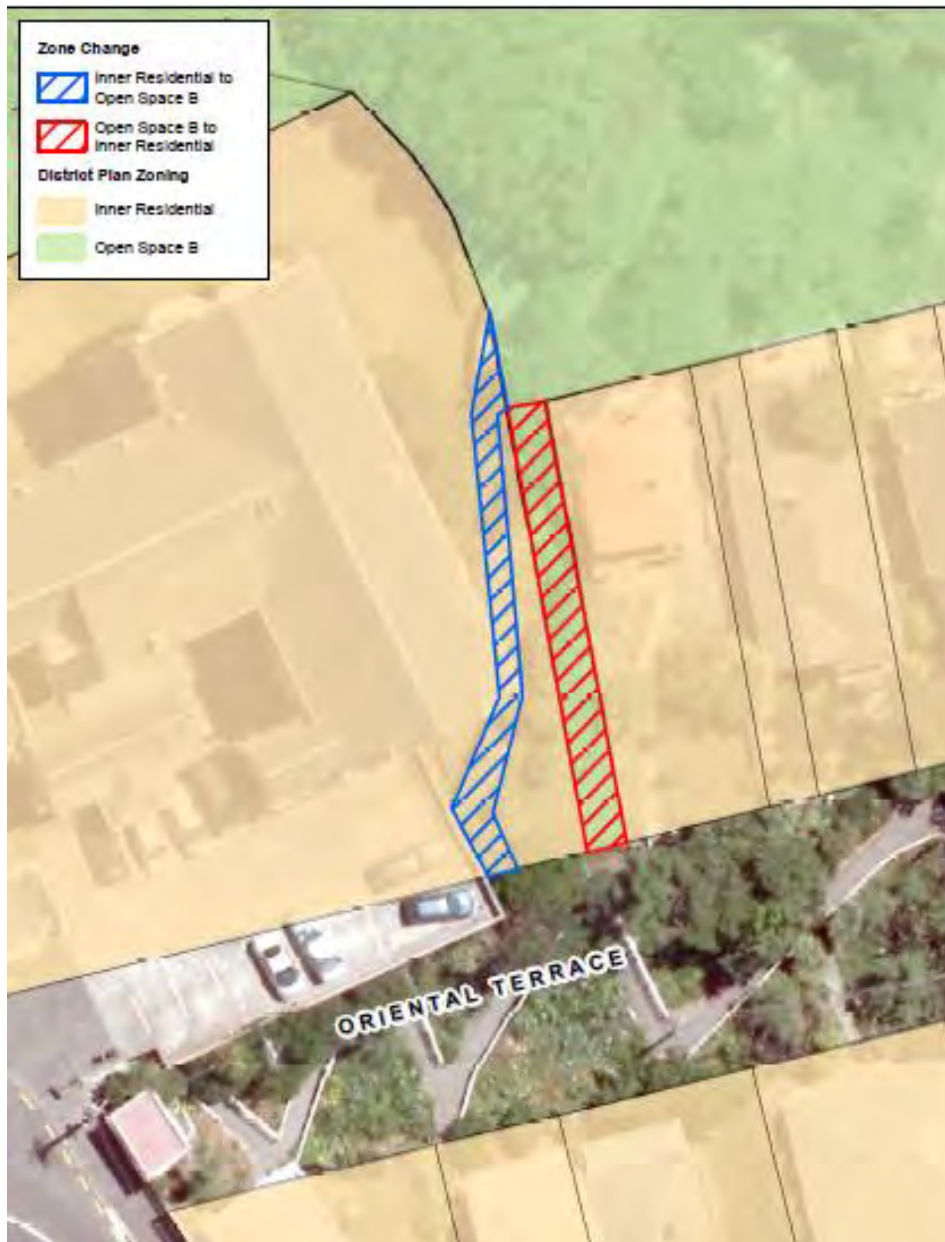


Figure 10: showing zone change proposal

5.5.1 District Plan Context

In considering the appropriateness of the proposed zone change, the following comments on the wider District Plan context are provided:

- St Gerard’s Monastery & Church buildings are Category 1 Historic Places on the New Zealand Heritage List/Rārangī Kōrero. They are also on the District Plan Heritage List. The District Plan listing will stay with the new Lot 2 and therefore does not need to be amended (apart from noting the new legal description once the subdivision is finalised).
- 1 Oriental Terrace is not listed on the New Zealand Heritage List/Rārangī Kōrero or the District Plan Heritage List.
- The main concerns that have been expressed by various stakeholders have focussed on the effects that future development of an enlarged 1 Oriental Terrace could have on the views of St Gerard’s and the character of the Oriental Terrace zigzag path. It is therefore useful to examine the District Plan

standards that would apply to any redevelopment of 1 Oriental Terrace through the Inner Residential zoning :

- 1 metre front yard requirement.
 - 50% maximum site coverage
 - 35m² ground level open space requirement.
 - Maximum building height of 10 metres, plus Building Recession Planes in relation to the external boundaries of the site (an extra 1 metre is also allowed for gables)
 - One onsite parking space per household unit (although the ICPE has indicated that it could make vehicle spaces available on its existing vehicle deck to any future development of 1 Oriental Terrace).
- There are a number of viewshafts in relation to St Gerard's that are protected through Central Area provisions. However, these provisions only relate to the city-facing façade of the monastery.
 - Maximum height limits also apply to Oriental Bay sites to protect views of St Gerard's from Oriental Bay. However, 1 Oriental Terrace sits outside the areas to which these height limits apply.
 - The St Gerard's site and the properties along the Oriental Terrace zig-zag path are within the Mt Victoria North Character Area (as shown in Figure 11). Rule 5.3.5 of the District Plan, requires a resource consent for 'the construction, alteration of, and addition to residential buildings, accessory buildings and residential structures' within the Mt Victoria North Character Area. This rule applies even if a proposal complies with the Permitted Activity standards of the Inner Residential Area. Any future redevelopment of an enlarged 1 Oriental Terrace would require a resource consent under this rule. The application would be assessed in relation to the Design Guide for the Mt Victoria North Character Area (noting the minor amendments proposed under sections 4.1.1 and 4.1.2 of this report). The Design Guide includes a clear expectation that any work will complement the form and character of St Gerard's and the surrounding neighbourhood.



Figure 11: Mt Victoria North Character Area (1 Oriental Terrace – see star symbol)

- While the properties in Oriental Terrace are in the Mt Victoria North Character Area, they are not in the Mt Victoria North/St Gerard's sub area (see Figure 12), of the Mt Victoria appendix of the Residential Design Guide. As a result, these properties are not subject to the rules requiring a resource consent to demolish a pre-1930 building (or remove architectural features etc). However, as discussed above, it is considered that any future development of an enlarged 1 Oriental Terrace would still be well-controlled under Rule 5.3.5.



Figure 12: The Mt Victoria area covered by the Mt Victoria North/St Gerard's sub area of the Residential Design Guide (1 Oriental Terrace – see star symbol)

- An alternative option to specifically manage the development of an enlarged 1 Oriental Terrace would be tailored 'spot provisions' within the rules of the Inner Residential Area. However, site-specific provisions are not considered to be best planning practice. Specific provisions for this site could have the effect of making the plan more complicated. Such an approach does not support efficient and effective plan provisions. The effects of future development of 1 Oriental Terrace can be sufficiently managed through existing plan provisions.

5.5.2 Consultation

As noted above, community consultation has already occurred under the Reserves Act 1977, including the involvement of the following WCC Business Units:

- Parks, Sport and Recreation – Open Space and Recreation Planning
- Property

Representatives from these business units agree with the proposed plan change for the reasons outlined above.

Individual discussions and correspondence about the proposed zone change have taken place with parties that demonstrated interest in the earlier Reserves Act 1977 process:

- Marion Evans – an Oriental Terrace resident who is interested in the character and heritage values of the Oriental Terrace zig-zag and the house at 1 Oriental Terrace
- Heritage New Zealand staff
- Mt Victoria Residents' Association (MVRA) representatives
- Redemptorist Fathers Trust Board – no response

Overall, these parties are:

- Concerned about effects on the heritage value of St Gerard's Monastery site
- Concerned about effects on the character and amenity values of Oriental Terrace properties and the zig-zag pathway

Heritage New Zealand notes that the District Plan provisions will require consideration of St Gerard's in the assessment of any future development of 1 Oriental Terrace. Marion Evans and MVRA, remain concerned that the administration of Rule 5.3.5 and the assessment of final building designs would be subject to the discretion of the Council's resource consent planners and urban designers. They are concerned that there are few rights for adjoining owners or the wider public to have a say on the future development of an enlarged 1 Oriental Terrace.

An incorrect email address explains a lack of response from the Oriental Bay Residents' Association (OBRA). However, the issues raised by Marion Evans, MVRA and Heritage New Zealand staff are likely to be similar to potential OBRA concerns.

5.5.3 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs of the zone change are considered to be low given that the area involved is small and that any future development of 1 Oriental Terrace will be sufficiently managed through the existing provisions of the Inner Residential Area and the Mt Victoria North Character Area.
- The benefits of the zone change include accurately reflecting the existing use of the land involved and providing a sensible zone to manage the future use and development of an enlarged 1 Oriental Terrace. The zone change also supports a land exchange that will secure future access to the Council reserve while at the same time protecting the heritage values of St Gerard's monastery and church.

5.6. Zone Change – 6 Campbell Street, Karori

A zone change is proposed to support the Council's recent purchase of a 541m² residential property at 6 Campbell Street, Karori. Details of the zone change are shown in Attachment 6 of this report.

As shown in Figure 13, the property adjoins the former St John's Church site (1,020m²) on the corner of Karori Road and Campbell Street. Residential properties adjoin the site to the south, with commercial and community activities to the west, including the Mobil Station and the Karori Event Centre (under construction).



Figure 13: Aerial photograph showing the location and District Plan zoning of 6 Campbell Street, and neighbouring land uses

The Council acquired the St John's site some time ago and it was rezoned from Outer Residential to Centres through DPC 73 (Suburban Centre Review) to help address a recognised shortage of commercially zoned land in the Karori Town Centre vicinity. The Council's intention is that the St John's site be commercially developed in a way that complements the character and vitality of the Karori Town Centre. More recently, Council purchased the adjoining property at 6 Campbell Street to improve options for the future development of this corner site.

It is therefore considered appropriate to rezone 6 Campbell Street from Outer Residential to Centres so that future development of the combined site can be managed in an integrated way under the District Plan.

Any new buildings will require a resource consent application under the provisions of the Centres Area. The application will be assessed against the Centres Design Guide and standards aimed at the protection of the amenity of residential neighbours. For example, while the maximum building height is 12 metres in the Centres Area (compared to 8 metres under the current Outer Residential Area), the following standards apply when a site adjoins a Residential Area:

- Buildings and structures must comply with the building recession plane requirements at any point along a boundary adjoining a Residential Area and must be no higher than 3 metres within 5 metres of a Residential Area boundary (Standard 7.6.2.3.1)
- All windows above ground floor level and within 5 metres of and facing a Residential Area boundary shall have privacy glazing (Standard 7.6.2.6.1)

- Any deck, terrace or balcony with a finished level that is 1.5m or more above ground level measured at the boundary shall be no closer than 5 metres to an adjoining Residential Area boundary (Standard 7.6.2.6.2)
- The Centres rules also set standards for noise emitted on the site and received at residential boundaries (Standards 7.6.1.1.5) and for fixed plant noise (Standard 7.6.1.2)

The photograph in Figure 14 shows the existing development at 6 Campbell Street and the neighbouring properties. The above standards will apply along the common boundary with the residential properties at 8 and 8a Campbell Street. It is noted that there is a driveway running along this boundary. As this driveway cannot be built over, it will provide an additional buffer from future development at 6 Campbell Street.



Figure 14: Photograph showing 6 Campbell Street and adjoining properties

The Campbell Street frontage of the St John's site is subject to secondary frontage provisions that control vehicle parking areas and ground level activities to maintain an active building edge. It is proposed that the secondary frontage be extended across the 6 Campbell Street frontage. Details of the proposed change are shown Attachment 8 of this report.

5.6.1 Consultation

The Council's purchase of 6 Campbell Street has been reported in local media, including social media channels such as the 'I Love Karori' Facebook group.

Individual letters have been sent to residential neighbours in the vicinity. An onsite meeting took place with the adjoining neighbour at 8a Campbell Street, to fully explain the rules and standards that apply in the Centres Area.

The key concerns of residential neighbours relate to any adverse effects that development of 6 Campbell Street under the Centres Area would have on their amenities compared to the current zoning. Potential adverse effects include:

- Noise from vehicle servicing – especially if it was a supermarket with frequent, large deliveries
- Visual appearance
- Shading and visual dominance – especially for immediately adjoining properties

However, as discussed above, it is considered that the provision of the Centres Area will ensure that these concerns are well controlled.

5.6.2 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The main cost (or disadvantage) is the loss of residential-zoned property. However, this cost is considered to be low as the proposed Centres zoning provides for mixed use development, including residential use above ground level. Potential effects for residential neighbours from future development of the corner site are considered to be well provided for in the rules and standards of the Centres Area.
- A key benefit of the zone change is that it will help fill a shortage of commercially zoned land in the Karori Town Centre. The proposed zoning will clarify the anticipated use and development of 6 Campbell Street and is in keeping with adjoining commercially zoned properties.

5.7. Zone Change - 2A Myrtle Crescent, Mt Cook

A zone change is proposed to address the split zoning of a privately-owned property in Mt Cook. Details of the zone change are shown in Attachment 7 of this report.

The property concerned is shown in the following aerial photographs (Figure 15). It has frontages to Myrtle Crescent and Douglas Street (2A Myrtle Crescent and 9 Douglas Street respectively).

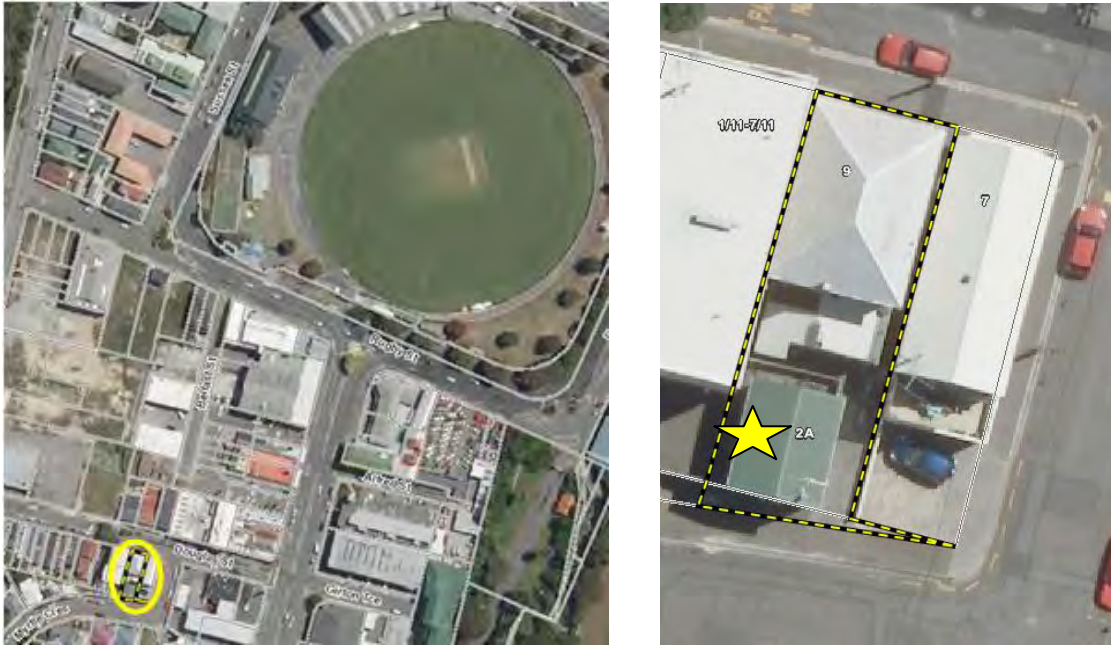


Figure 15: Aerial photographs showing the location of 2A Myrtle Cres (star symbol), also known as 9 Douglas St

Figure 16 shows that most of the property is zoned Centres (shaded blue). However, a small triangle along the Myrtle Crescent frontage of the site is zoned Inner Residential (shaded light orange).

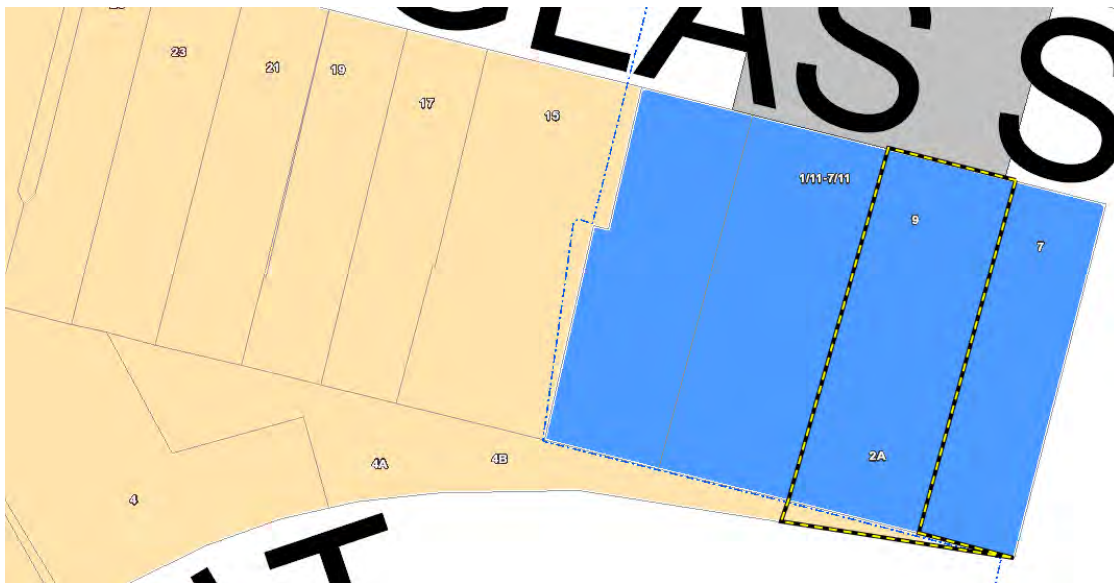


Figure 16: District Plan zoning of 2A Myrtle Cres (9 Douglas St)

This split zone stems from a subdivision of the adjoining property at 4A/4B Myrtle Crescent around 2002, when the triangular portion was incorporated into 2A Myrtle Crescent. The purpose of the subdivision was to provide vehicle access from Myrtle Street to a garage on the ground floor of a building constructed on the site in 2002, as shown in Figure 17.



Figure 17: Photograph showing the existing building at 2A Myrtle Crescent and triangle of land zoned Inner Residential

An Inner Residential zoning is not considered appropriate for this triangular portion of the property given the existing use and zoning of both the property itself and neighbouring sites. It is not clear why a zone change was not considered at the time of the 2002 subdivision. Unless a zone change takes place, the Inner Residential rules will trigger the need for resource consent for any future development of the wider property, even if this development is provided for in the Centres Area.

Accordingly, it is proposed that the zoning of the triangular portion be changed from Inner Residential Area to Centres.

5.7.1 Section 32 conclusions

The proposed zone change is considered to be appropriate to achieve the goals of the District Plan and the purpose of the RMA. The benefits are considered to outweigh the potential costs, as summarised below:

- The costs (or disadvantages) of the zone change are considered to be low given that the area involved is small. Also, any future development of the overall property will be appropriately managed under the Centres provisions.
- The benefits of the zone change include conveying a clear expectation regarding the anticipated use and development. The zone change will also provide a logical boundary between the zones involved. The current zoning does not make sense in relation to the current use of the site and places unnecessary restrictions on the use of a property that is largely zoned commercial.

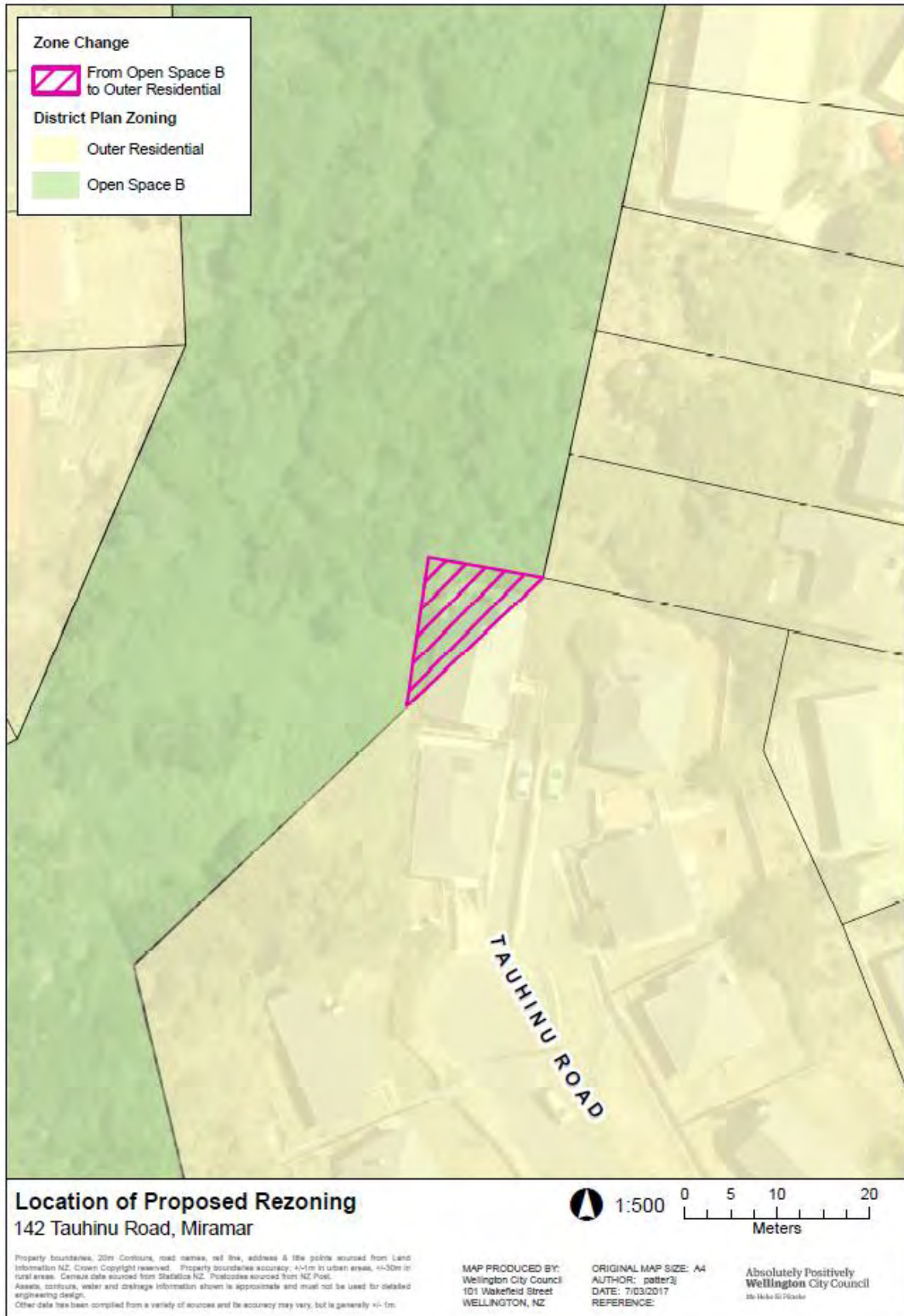
6. Overall Section 32 Conclusions

The purpose of proposed Plan Change 82 is to enable the efficient and effective functioning of the District Plan under the RMA. This approach is considered to be the most appropriate way to achieve the purpose of the RMA for the following reasons:

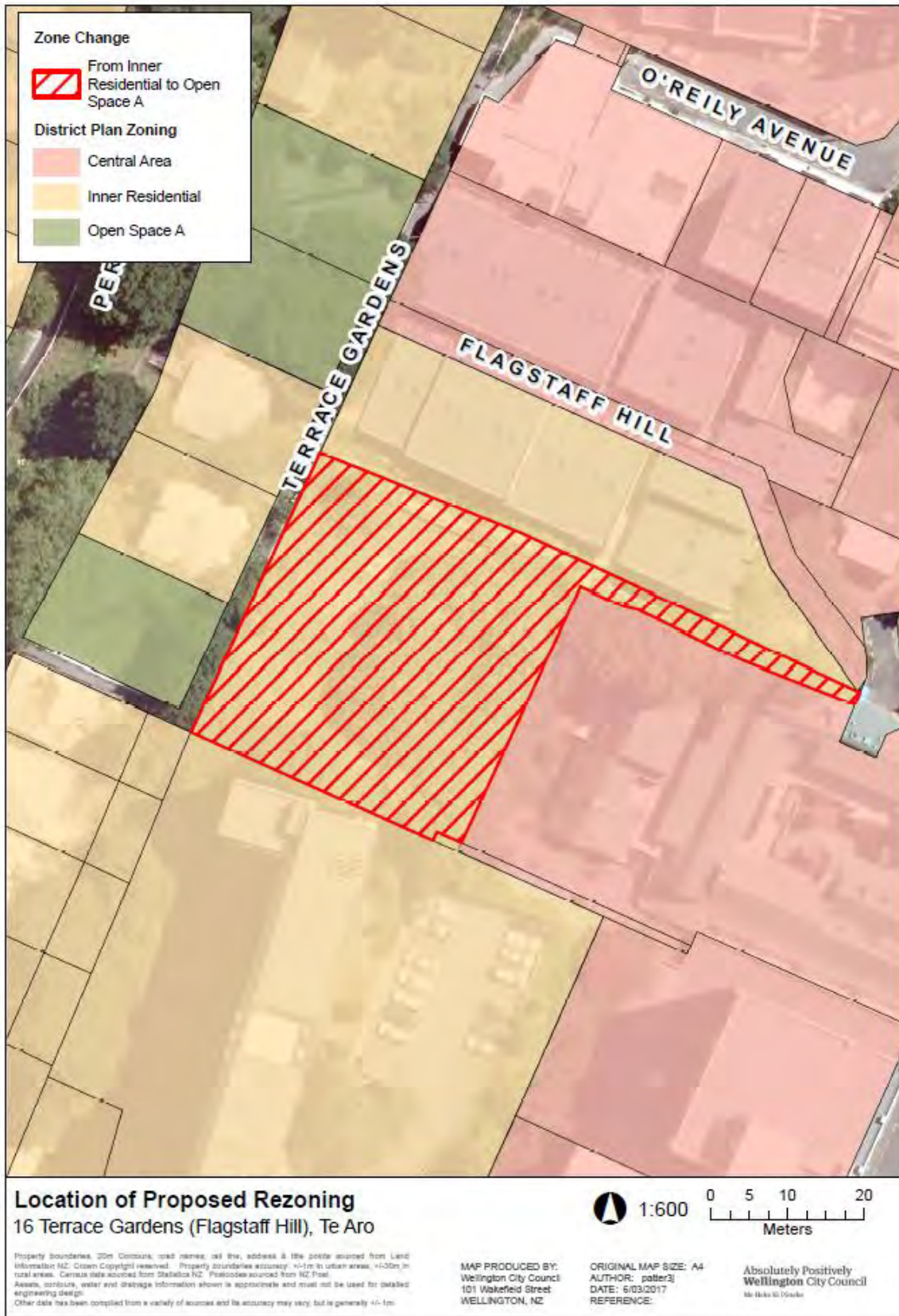
- The proposed amendments are designed to effectively and efficiently address targeted issues in ways that are consistent with the objectives and policies of the District Plan while avoiding major disruption to the overall approach of the District Plan
- The minor zone changes will accurately reflect the purpose the land involved. This provides clarity around current and future land uses and provides for the efficient use of the land
- The proposed amendments avoid unnecessary effort and associated costs until a major District Plan review is carried out
- Overall, it is considered that the benefits of these amendments outweigh their costs.

Attachments

Attachment 1: Zone Change – 142 Tauhinu Road, Miramar



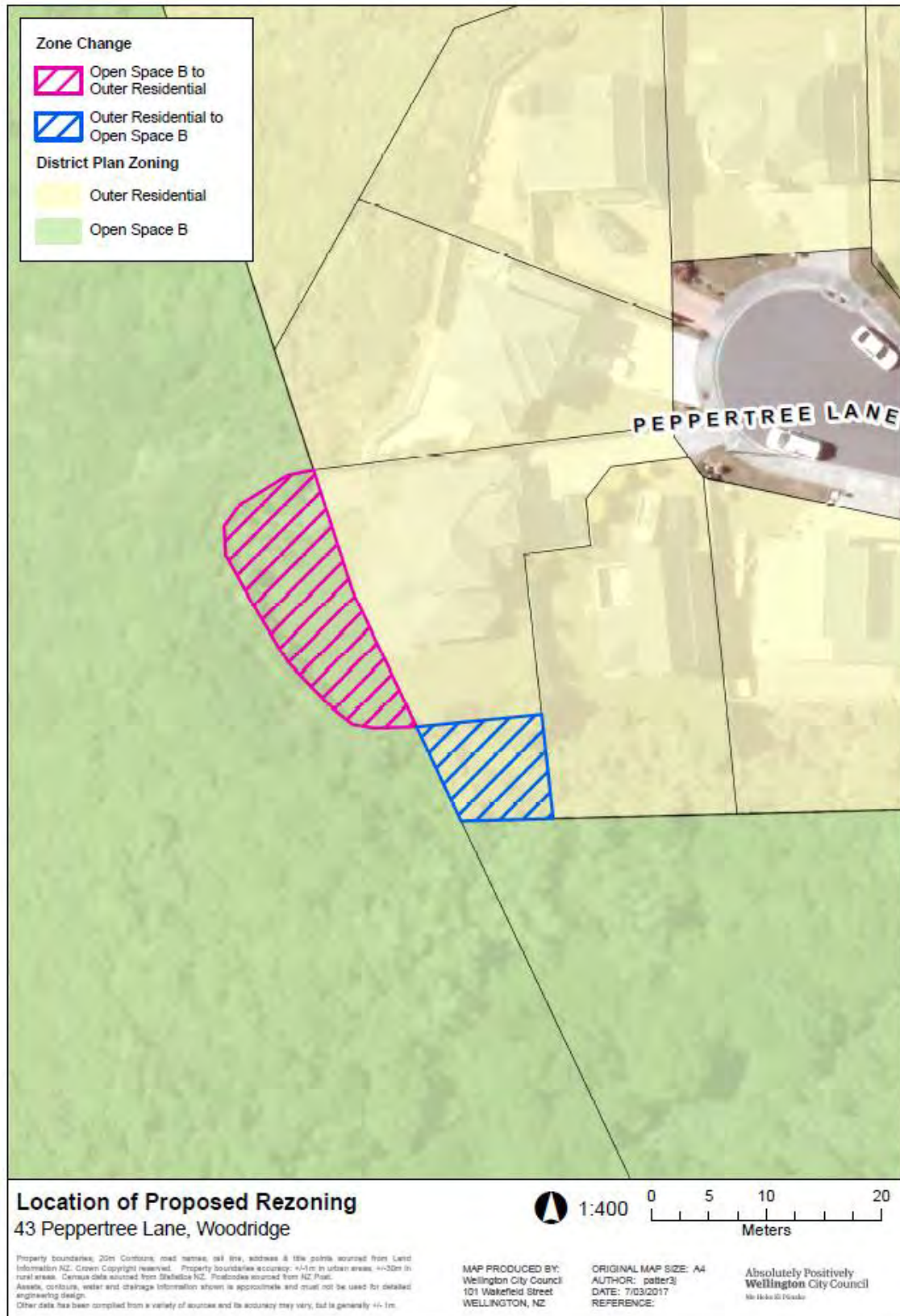
Attachment 2: Zone Change – 16 Terrace Gardens (Flagstaff Hill)



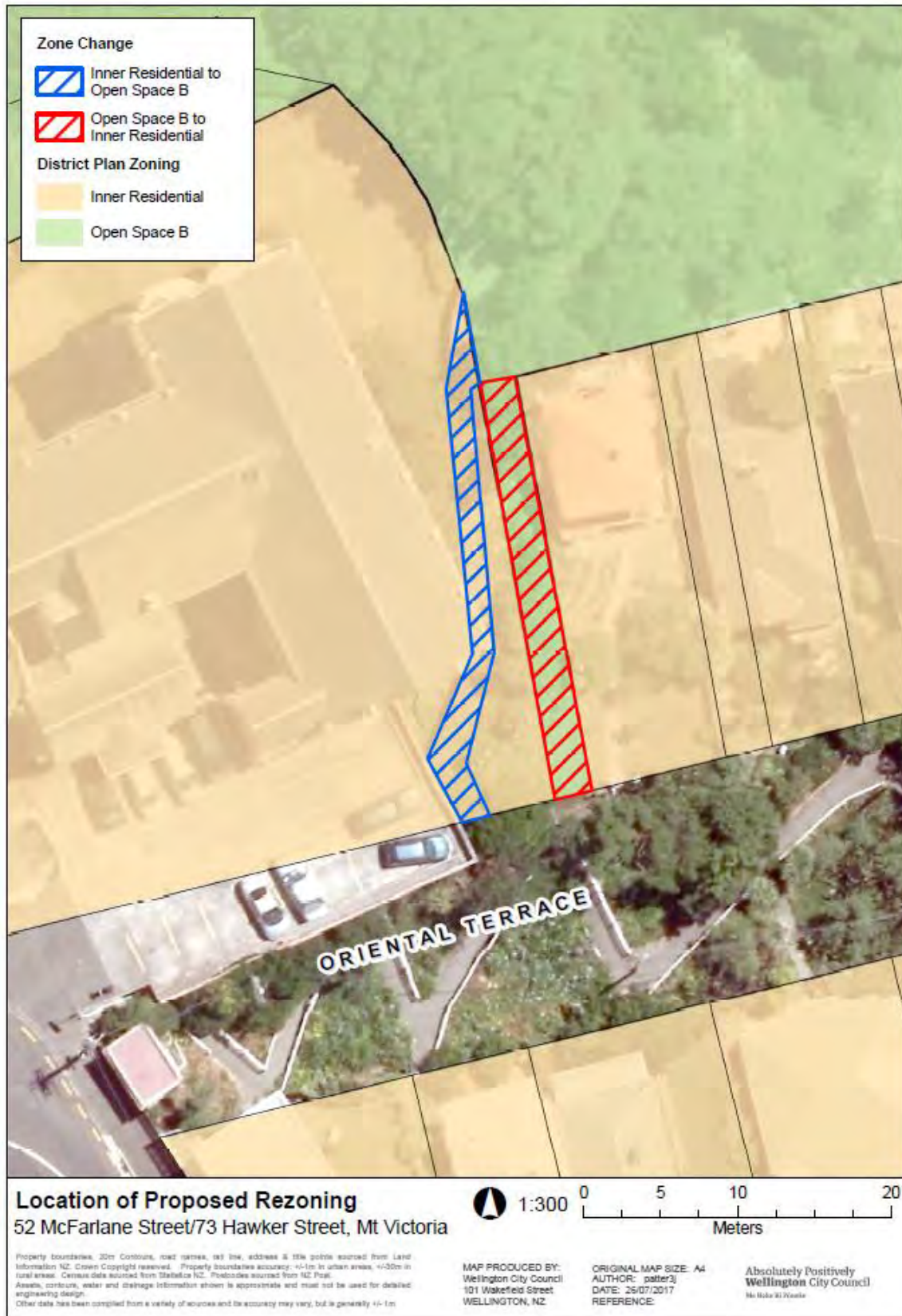
Attachment 3: Zone Change – 7C Melksham Drive, Churton Park



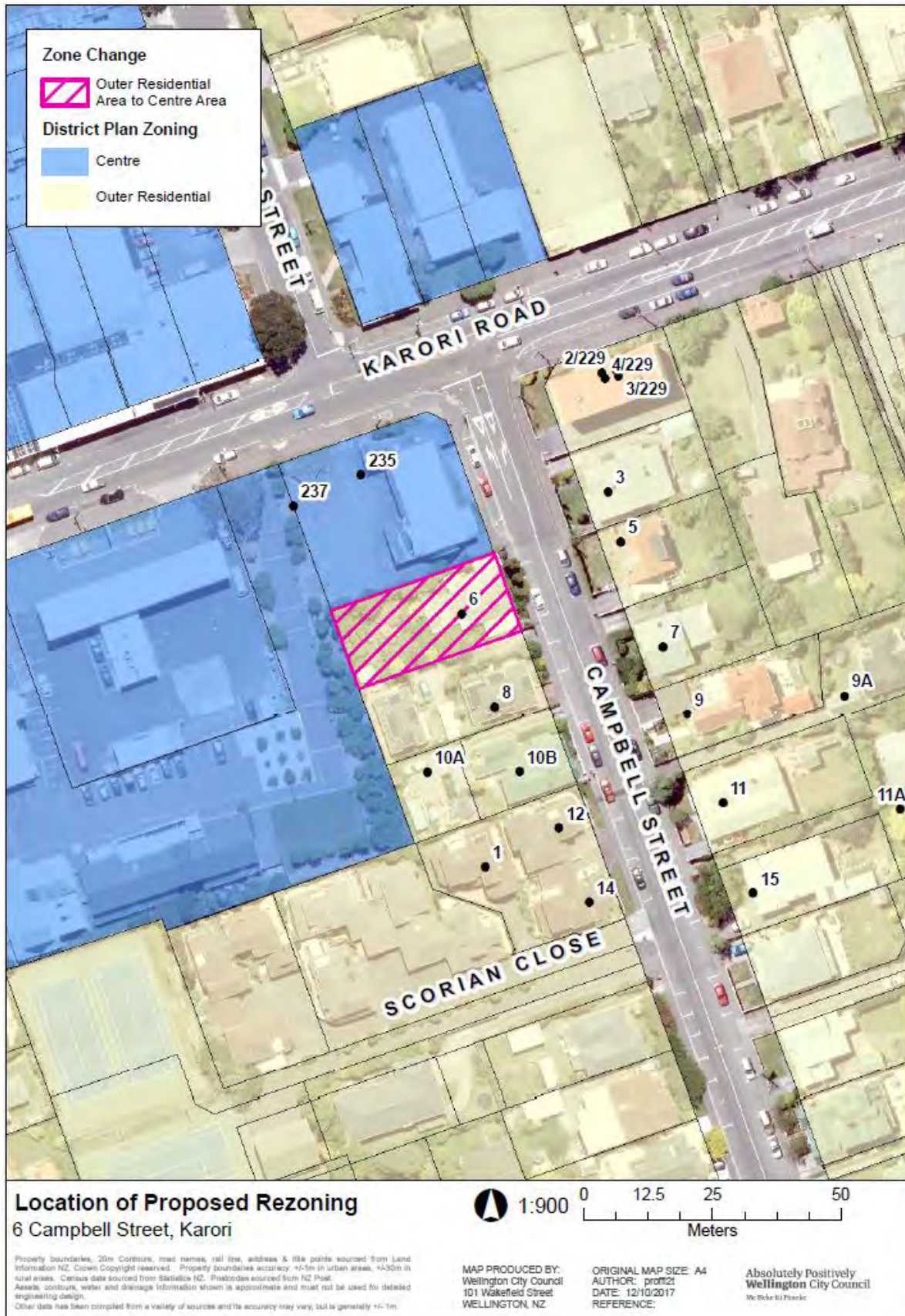
Attachment 4: Zone Change – 43 Peppertree Lane, Woodridge



Attachment 5: Zone Change – St Gerard’s Monastery, Mt Victoria



Attachment 6: Zone Change – 6 Campbell Street, Karori



Attachment 7: Zone Change – 2A Myrtle Crescent, Mt Cook



Attachment 8: Extension of Secondary Street Frontage – 6 Campbell Street, Karori (Planning Map 48)

