

WELLINGTON CITY DISTRICT PLAN – DPC77

Further Submission form on publicly notified Proposed District Plan Change 77 Curtis Street Business Area

FORM 6, Clause 8 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE

Posted to	District Plan Team Wellington City Council PO Box 2199 Wellington 6011
Delivered to	Ground floor reception Civic Square/101 Wakefield Street Wellington
Faxed to	801 3165 (if you fax your submission, please post or deliver a copy to one of the above addresses) Please use additional sheets if necessary.
Emailed to	district.plan@wcc.govt.nz
We need to receive your submission by 5pm, Wednesday 12 June 2013.	

1. Your name and contact details:

Full Name: Creswick Valley Residents' Association

Full Address: c/ 14 Creswick Terrace, Northland. Wellington 6012

Address for service of person making submission: As above

Email:
creswickvalleyra@gmail.com

Phone: 027 405 8951 (Secretary,
Paul Barker

Fax:

2. I support or oppose the submission of:

(Please insert the name and address of original submitter, & submission number of original submission if available).

Our Association generally supports all submissions with the exception of Submission 1 (Naomi Cooper), Submission 5 (Madeleine McAlister), Submission 35 (Paul Francis Broughton and Susan Jane Ryan), Submission 47 (Andrew Monahan) and Submission 61 (Prime Property Group).

Our Association specifically opposes: Submissions 1,5, 35, 47, 61

3. The particular parts of the submission that I support (or oppose) are:

(You should clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the Proposed Plan Change).

See attached pages

4. The reasons for my support (or opposition) are: (Please give precise details)

See attached pages

5. I/we seek the following decision from the Council: (Please give precise details)

See attached pages

6. Please indicate by ticking the relevant box whether you wish to be heard in support of your further submission.

I wish to speak at the hearing in support of my submission

7. Joint Submissions

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

8. If you have used extra sheets for this submission please attach them to this form and indicate this below:

Yes, I have attached extra sheets No, I have not attached extra sheets

Signature of person making further submission (or person authorised to sign on behalf of submitter)

Date

/ /

THANK YOU FOR MAKING A FURTHER SUBMISSION

Personal information is used for the administration of the submission process and will be made public. All information collected will be held by the Wellington City Council, with submitters having the right to access and correct personal information.

Note: A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council

The particular parts of the submission that I support (or oppose) and the reasons for my support (or opposition) are:

Of the 65 submissions received the overwhelming majority (56) directly oppose the Proposed Plan Change DPC77. The CVRA supports issues raised in a further four submissions (Andy Foster, Historic Places Trust, Transpower and Mark Casson and Patricia James). As outlined in our April 2013 submission (#43) the CVRA identified 10 areas where significant shortcomings in the Proposed Plan Change were identified. An analysis of submissions opposing the Proposed Plan Change highlight that these concerns are widely shared.

In addition to our April 2013 submission the CVRA supports the following issues which have been raised by submitters:

1. Section 32 shortcomings

In our April submission we sought a complete Section 32 analysis if DPC77 is not rejected. We identified erroneous presumptions around the case for commercial development of the site including the net economic benefit. The overwhelming majority of submitters highlight the very significant environmental, residential amenity and economic impacts which have not been adequately identified or proven to be outweighed by the benefits of commercial development on the site. Our position is further underscored by several submissions which point to two fundamental shortcomings:

1. The omission of key information such as impacts on suburban centres in the economic assessment (see economic impacts below)
2. The omission of mitigation recommendations in the ecological and landscape reports which formed the backdrop to the Section 32 report (see environmental impacts below).

Jenifer Boshier (#14) and Bev Abbot (#31) highlight that dimensions of social well being are not covered in the Section 32 report and no attempt is made to assess the balance between the wider costs from development of the site and benefits in social well-being. This concern is shared by the CVRA as well as the significant body of submissions that identify a range of costs which have neither been identified nor adequately considered.

2. Piecemeal urban planning with no clear limits.

Several submissions point to the lack of clarity under which DPC77 would allow commercial development. The attempt to produce a tailored set of policies for the site has created complexity and uncertainty for all parties. The CVRA supports submissions which call for tighter limits on the gross floor areas which would trigger a discretionary activity (such as recommended in the Urban Design Assessment).

The concern about piecemeal urban planning is also supported by a number of submissions which identified that the Proposed Plan Change has not taken account of key planning and regulatory statements, including those required by the Resource Management Act. The hierarchy of instruments and planning documents include the Biodiversity Action Plan 2007, the Outer Town Belt Management Plan 2004 and the Capital Spaces Plan. Furthermore, we support the Greater Wellington Regional Council's submission (#45) that seeks the application of the operative Regional Policy Statement in respect to indigenous biodiversity values, activities on contaminated land, storm water quality and ecological values.

3. Impact on Heritage Values

The CVRA supports the Historic Places Trust submission (#2), particularly its concerns about the adequacy of the Heritage Assessment as part of the Section 32 report. We support the Trust's recommendation that further proper archaeological assessment is undertaken before development is considered. Several other

submissions also raise concerns about the absence of adequate protection for heritage values on this site, particularly given its significance in Wellington's early settlement history.

4 Impacts on residential amenity including noise, lighting, dust and visual amenity

Analysis of submissions highlights that these impacts are of significant concern to many submitters, particularly residents from the wider residential areas of Northland, Karori, Wilton, Kelburn and Wadestown. Concerns about the adequacy of noise, lighting and residential amenity provisions appear consistently in the majority of submissions. We support these submissions and recommend that they be accorded careful consideration as expert testimony. This experience comes from a large number of people who live in the area, in many instances for decades, and know local conditions intimately.

For example, submissions point to the noise levels which have been experienced in the past when the site had recycling bins and more recently as the child care site is constructed on a nearby site. The CVRA supports submissions that question the adequacy of the noise assessment which concluded that there was an absence of amphitheatre effects.

5 Traffic and congestion

Several submissions also point to the failure of the section 32 report to acknowledge the cumulative impacts of the extra traffic to be generated by the Child Care Centre which is being constructed nearby the site (estimated to be a further 450 vehicle movements per day). Residents in Paisley Terrace, Creswick Terrace and Curtis Street detailed the very significant constraints and hazards that exist on the current roading network. These issues are simply not addressed in the section 32 report and no credence has been given to the considerable number of submissions received by Wellington City Council over the past few years from residents regarding the extra traffic to be generated from developing the Curtis Street site. The CVRA supports these submissions and requests that they are accorded equal weight to the technical traffic assessments in the Section 32 report.

The CVRA also supports several submissions which point to the use of an obsolete measure in the District Plan turning calculations which are based on 8 tonne rigid axle trucks and not the 17 metre semi-trailer vehicles most likely to service a commercial zone. Further submissions point to the congestion experienced on the local roading network in the area from peak usage, for example around Saturday sports. Again, this experience has been overlooked in the roading assessment in favour of technical assessments using aggregated data with no reference to local experience.

6 Environmental impacts including catchment impacts of run-off, soil contamination, impacts on flora and fauna

Our analysis of submissions showed a great deal of concern from submitters for a wide range of environmental impacts including reference to all the issues raised in our April Submission. The CVRA supports these submissions and the call for the site to be considered as part of a *regionally significant ecological corridor* as identified in the Section 32 report. These submissions are reinforced by the need to adhere to the Greater Wellington Regional Council's submission on the operative Regional Policy Statement.

The CVRA also supports the more detailed assessments in a number of submissions on the impact of commercial activities and increase in impermeable surfaces on the Kaiwharawhara stream. We also support the recommendations (for example from the Trelissick Park Group #23) on mitigation measures to reduce sudden large volume discharges to the Kaiwharawhara Stream. Rod Bryant (#38) highlights the risks of contaminants from the site along with other submissions concerned with the potential for seepage or leaching of contaminants.

The CVRA also supports Submissions, such as Bev Abbott (#31) that recommend making vegetation removal a controlled activity in order to protect the ecological values of the buffer vegetation.

7 Transmission Line Impacts

The CVRA supports submissions which call for adherence to the National Policy Statement on Electricity Transmission, particularly to limit the number of buildings where people are exposed to high voltage transmission lines. We fully support the Transpower submission (#56) that sensitive activities, including buildings occupied by people for 20 hours a week or more, must be excluded from a 12 metre area either side of the centre line of the transmission lines. The CVRA notes that implementation of the National Policy Statement on Electricity Transmission 2008 is a statutory requirement under the RMA.

We also support the expert testimony of John Boshier (#12) in calling for full compliance with Transmission Line Buffer Corridors policy. This submission also highlights the need for the Wellington City Council to exercise a duty of care in avoiding hazards and potential liability under law. The CVRA is particularly concerned that non compliance with the Transmission Line Buffer Corridors policy exposes the WCC to risks of litigation, the costs of which are borne by ratepayers.

8 Economic Impacts

Our April submission concluded that the Economic Impact Assessment is deficient and this is supported by several submissions including Councillor Andy Foster (#44), Geoff Plimmer (#30) and several businesses and business organisations in nearby Suburban Centres (such as the Marsden Village Association #33 and Jitesh Patel #25). We support the contention that the displacement of businesses in nearby Centres has been completely ignored in both the Section 32 analysis and underlying Property Economics Report. In addition, we support the concern of some submitters that the Property Economics report is based on questionable assumptions around demand for retail space and does not align with wider regional economic trends (Geoff Plimmer #30). The CVRA supports a proper economic impact report which includes a more sophisticated analysis of costs and benefits including the impacts on nearby suburban centres.

9 Status of the concept plan

The CVRA supports submissions recommending that the Status Plan should be obligatory. These submissions further highlight the very significant public interest elements associated with the site and the need to ensure that any proposals are carefully assessed, with opportunities for public participation, before proceeding.

10 Temporary Activities

The CVRA supports submissions requesting a tighter definition of temporary activities on the site in order to create greater certainty and minimise adverse effects on residents.

We oppose and do not support submission 1 (Naomi Cooper), submission 5 (Madeleine McAlister), submission 35 (Paul Francis Broughton and Susan Jane Ryan), submission 47 (Andrew Monahan) and submission 61 (Prime Property Group).

Submissions 1, 5 and 35 support the Proposed Plan Change on the grounds that the Curtis Street site is suitable for development and will bring benefits through provision of retail outlets, particularly to Karori. The CVRA does not support these submissions as the clear body of evidence in submissions as well as section 32 reports highlight that there are significant impacts which would arise from development and these have not been proven to exceed the likely net benefits.

Furthermore, the Section 32 analysis and Economic Impact Assessment do not indicate the possible displacement effects on local businesses. The irony is that the development of the site may lead to displacement of existing retail and commercial activities – the exact opposite of what these submitters have sought. The CVRA notes that the Suburban Centres Policy is to ensure viable communities including local businesses. The proposed zoning change for the Curtis Street site is not consistent with this Policy.

Submissions 47 (Andrew Monahan) and 61 (Prime Property Group) are also not supported by the CVRA. These submissions argue that the owner of private land should not have conditions that impede his ability to make a “reasonable economic return” from developing that land. The submissions also argue that effects arising from development are local and planning provisions should keep the scale of these effects in proportion. They also argue on the grounds of equity and fairness that new requirements on the site should not be imposed if they are not applied to development of other sites within the city.

The CVRA does not support these submissions for a number of reasons:

- a. The owner of the site is not exempt from the Resource Management Act (RMA) and the requirements of the WCC as the planning authority to focus on the avoidance, remediation or mitigation of adverse environmental effects. There is a hierarchy of instruments under the RMA, including National Policy Statements and National Environmental Standards which are not discretionary matters for the council to consider. They apply equally to all citizens and must be given effect to in the District Plan. There is no provision under the RMA for the financial returns for a developer to be accorded greater priority than any of the other objectives of the act which require balancing of a range of considerations.
- b. The RMA requires decision making to consider particular areas and their circumstances against the wider set of instruments such as Regional Policy Statements. Decisions on District Plan changes for specific areas, such as Curtis Street, have to be made on a case by case basis. The arguments of lack of “fairness and equity” in respect to conditions on the use of the site made by Prime Property Group are therefore unfounded.
- c. The overwhelming body of submissions and evidence points to the very considerable range of environmental, amenity and economic impacts that would occur from commercial development of the site. The two submitters do not present any convincing or substantive evidence that the net benefits of commercial development outweigh these impacts.
- d. The submitters’ opposition to any provisions that restrict or limit the development of a large commercial or retail building(s) fly in the face of clear evidence of the need to ensure careful and appropriate development of the site. The CVRA does not believe the submitters’ position is at all consistent with the requirements under the RMA and the process the WCC must undertake to ensure the Act’s primary purpose of sustainable management of natural and physical resources.
- e. The CVRA does not support Prime Property Group’s position on controlled and discretionary activities, the status of a Concept Plan, environmental protection and enhancement measures, notification requirements, and location of buildings near high voltage lines. Our opposition arises from the need to provide clear and certain protections against the wider set of impacts that would otherwise be borne by residents and the wider community.
- f. The CVRA does not support Prime Property Group’s assertion that Creswick Valley is not predominately residential in character on the grounds that this is factually incorrect. The Creswick Valley is predominately residential in character and is in direct line of sight of many residential properties extending into Karori, Northland, Wilton and beyond. The three large buildings near to the Curtis Street site including the childcare facility currently being built, Cardinal McKeffrey school and a rugby clubrooms occupy a small area in comparison to the residential housing and open space characteristic of the area. It is also factually incorrect to state that the site has never been used for residential housing as a photograph on our web site clearly shows.

We seek the following decision from the Council:

Reject DPC73

- 1 Reject proposed District Plan Change 77 providing for increased commercial activity in the western suburbs until any need for provision not already provided for by DPC73 has been demonstrated;
- 2 Retain the existing zoning of the site or alternatively amend DPC77 to give full effect to Council's existing plan for this valley such that the site is zoned and managed to be within Council controlled open space to enhance the ecological corridor as indicated in "future initiatives" of the Wellington Outer Green Belt Management Plan May 2004

If DPC77 is not rejected

- 3 Undertake a complete Section 32 analysis of the economic, social, traffic, residential amenity (including light and noise) site contamination and ecological effects of the proposed zoning, and provide a properly qualified expert heritage assessment of the site;
- 4 Activities should be clearly defined to exclude activities deemed to be non complying or prohibited; and
- 5 Amend DPC77 objectives, policies and rules (including notification provisions and assessment matters) to better avoid, remedy or mitigate the potential adverse economic, social, traffic, residential amenity, site contamination, ecological and heritage effects of commercial development on the site.

Without limiting the above general relief, make the following specific changes to DPC77:

- 6 Remove from the area proposed to be rezoned the Open Space B zoned area (marked by the red boundary on the map of the proposed rezoning); and
- 7 Provide specific rules to control the permissible development on the site to protect and maintain the existing vegetation on the western and eastern boundaries; and
- 8 Provide specific rules to control all sensitive activities and the permissible development on the site to maintain a clear corridor beneath the high voltage transmission lines of at least 12 metres from the centre line of the transmission lines;
- 9 Provide specific rules to control the permissible development on the site to avoid any increase in volume, velocity, contaminant load or temperature of storm water reaching the Kaiwharawhara Stream from the site;
- 10 Amend DPC77 to incorporate: (a) amendments which support the alternative approach to managing the site as Council controlled open space to enhance the ecological corridor as indicated in "future initiatives" of the Wellington Outer Green Belt Management Plan May 2004 and/or (b) any consequential and/or additional amendments that are necessary to address the concerns raised above and give full effect to the intent of this submission.