

DPC77 Proposed Curtis Street Business Area Hearing

Officer Response following oral submissions 4 September 2013

1 Response to Greater Wellington Regional Council Evidence

- The Officer Report recommendations remain the same.
- WCC aligns with GW's views regarding natural environment issues generally, but issues of how to respond in an effective, efficient and equitable in the planning framework is more difficult.
- DPC77 strikes right balance in recognising reasonable use of land vs. recognition of off-site natural and ecological values.
- DPC77 takes into account the Regional Policy Statement (RPS) and gives reasonable effect to it (including other policies on centres and urban amenity/efficient use of urban land)
- GW has focused their submission on RPS policies 42 (minimising contamination in stormwater), 43 (protecting aquatic ecological function) and 47 (managing indigenous ecosystems).
- GW recognises the site is small and that site-specific provisions relating to the above policies would be a first in the District Plan.
- GW see value in a city wide Natural Resources Review and this review has been prioritised as a high priority piece of work since February 2012 – the District Plan Review paper presented to our Committee in August maintains this as a high priority and signals the Council will begin working directly with GW on this due to proposals for regional and district councils to prepare joint RMA plans.
- Nevertheless, the Officer notes that GW have tried to acknowledge the uniqueness of this site and the pending WCC work programme and they have softened their suggested changes in their presented evidence.
- With regards to stormwater, the Officer is not sure that the scale of effects potentially generated from the site breach a threshold beyond which strong on-site provisions (e.g. rules or standards) are justified but does accept that the policies suggested in the GW evidence are workable if the Hearing Committee was of a mind to accept them.
- Also related to the GW submission, the Officer notes the issues raised by Ian Leary on behalf of Prime Property Group (Submitter 61) yesterday afternoon regarding the comparatively small proportion of the Kaiwharawhara catchment made up by the subject site and the limited effectiveness on site measures could have on the stream

2 Capital Coast Health Ltd v Wellington City Council Environment Court Decision (ENV W101/98)

- DPC77 does not solely rely on this case to justify Councils position.
- There is sufficient open space land in the vicinity and the open space parcel is not of such exceptional quality that protection is required. This position is supported by Parks and Gardens.

- The case is absolutely relevant to the residentially zoned parcel of land (about 60% of the site).
- The Officer accepts that the open space land is of lesser relevance to the case.
- If WCC seeks an open space zoning on Residential land then the Council will have to compensate the landowner. There is no appetite to do this within Council.
- Although not a key aspect of the decision, the CCHB case does contain some general commentary on where land is privately owned other zoning types should be preferred except where the land is of exceptional quality.
- Officers also note there has been some discussion about maintaining a split zoning for the site. The approach taken in DPC77 has been to address the site in its totality because this allows for more comprehensive development, particularly given the site configuration, and because the open space zoned land is not of exceptional natural quality.

3 Previous Open Space Plan Changes to the District Plan

- 1994 Proposed Plan Change Process - ASB Sports Stadium Site – Kemp Street, Rongotai
 - The park was owned by LINZ and used for community recreation purposes
 - Zoned Industrial B2 in Transitional Plan, with an Open Space designation
 - Open Space A in 1994 notified District Plan
 - Suburban Centre in 2000 Operative District Plan
 - Council Property Dept was in negotiations with LINZ about purchasing remainder of park for such uses. But ownership issues not resolved at time of plan process and Committee agreed it was not appropriate to impose an Open Space zoning in what is effectively private land.
- Plan Change 12 – Hill Street
 - Private plan change request decided in 2003.
 - Site (two titles) had split zoning of Central Area and Open Space B immediately adjoining motorway. Applicant sought all land be zoned Central Area.
 - Owner had purchased land from Transit (now NZTA) as it was surplus to their motorway requirements. Council had already decided it did not want to purchase the land for its use.
 - That Hearing Committee agreed that the Open Space B zoning of the site did not allow the owner reasonable use of their land and since the Council did not wish to acquire the site the zoning should be changed.
- Plan Change 34 - General Minor Amendments to District Plan Text and Maps
 - Rats and Mice zoning changes to 23 Wellington City Council and privately owned sites to reflect current land use or to align zoning with cadastral boundaries.
 - Of these, six privately owned sites were rezoned from either Conservation Site or Open Space zoning to another more relevant

zoning to suit current use or land ownership. These were 25 Buckley Road, Southgate, 90 Akaroa Drive, Maupuia, 50 Homebush Road, Khandallah, 34 & 36 Blackbridge Road, Wadestown and 4 Fort Street, Ngauranga and 15 separate residential properties on Bunker Way and Nuku Street.

- Plan Change 44 - General Minor Amendments to District Plan Text and Maps II
 - Another Rats and Mice plan change that sought to correct errors and carry out minor rezonings.
 - Included the rezoning of a site in Tawa from Open Space B to Rural.

- Plan Change 63 - General Minor Amendments to District Plan Text and Maps III
 - Another Rats and Mice plan change that sought to correct errors and carry out minor rezonings.
 - Plan change included two zone changes for sites that were proposed to change from an Open Space zoning to Residential. Rewa Street, Hataitai – (was a site owned by Council for disposal) and Edington Grove, Churton Park

- Plan Change 68 – Homebush Road, Khandallah (Ngaraunga Park Forest)
 - Private Plan Change request from Prime Property Group to rezone land from Open Space B to Residential.
 - Hearing Committee considered the zoning issue in context of CCHB decision.
 - Committee accepted the private plan change request, but made some modifications to residential rules (specifically subdivision) applying to the site.

4 Submitter 31 (Bev Abbott)

- After hearing evidence and having submission explained in person, the Officer agrees with some of her suggested policy changes, specifically:
 - Suggested changes to Policy 35.2.3.4 about mitigation planting
 - Comments on non-regulatory planting in the introduction section
 - More informative site history in Introduction Section, including key dates.

5 Open Space B portion of 55-85 Curtis Street

- Land was severed from Ian Galloway Park
- Council has never placed a high open space value on it and has been left as Open Space B for many years with the intention of tidying up the zoning to something more appropriate at some stage.
- Has not been through various “Rats and Mice Plan Changes” discussed above.

6 Why site specific rules for the site?

- This site was considered appropriate for Business 2 Area zoning under DPC73.
- That was a broad plan change that involved rezoning many parcels of land throughout the City.
- DPC77 has looked closer at the site and its values and it is now considered that site specific provisions are necessary.

7 Residential development on the site

- This was raised yesterday by Ian Leary on behalf of Prime Property Group (Submitter 61) in response to the evidence of Mike Hurley from Transpower NZ Ltd (Submitter 56).
- The Officer is of the view that sensitive activities (which would include residential) within the 24m buffer zone are non-complying activities and those outside would be full discretionary.
- The Officer is unsure that specifically encouraging (or at least leaving the door ajar) for residential development outside of the buffer zone is wise because of potential reverse sensitivity effects.
- Whilst the Officer accepts that the lines already traverse through established residential areas in close proximity to housing, it is considered that it is a different proposition to actively providing for new housing beneath the lines.

Reporting Officer:

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