

APPENDIX 2

***Section 32 Report
Proposed District
Plan Change 61***

**Re-zoning of land at Huntleigh Park, Ngaio
from Rural Area to Residential (Outer)**

SECTION 32 REPORT

PROPOSED DISTRICT PLAN CHANGE 61

Re-zoning of land at Huntleigh Park, Ngaio from Rural Area to Residential (Outer)

1.0 Introduction

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 Resource Management Act 1991 (the Act). This evaluation must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (a) *the benefits and costs of policies, rules, or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation, and must be available for public inspection at the time the proposed change is publicly notified. This report is Wellington City Council's response to this statutory requirement.

2.0 Context

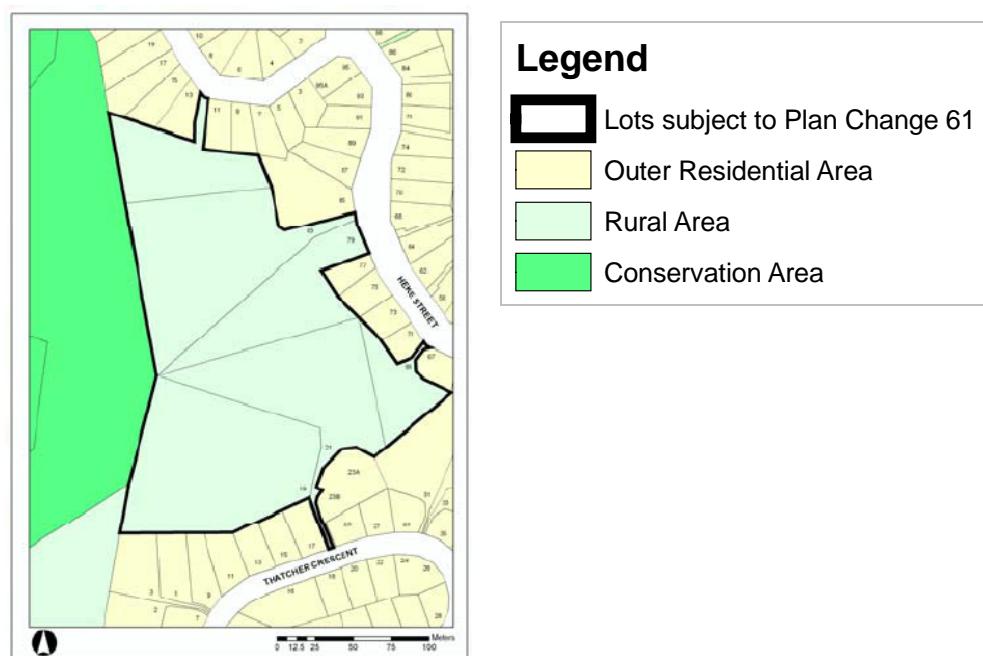
The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

The Act also contains an explicit obligation for territorial authorities to *maintain and enhance amenity values* and the *quality of the environment*, and to *protect areas of significant indigenous vegetation and significant habitats of indigenous fauna*.

3 Description of the land

This Council-initiated plan change relates to five rural zoned properties on the northern edge of Ngaio and Crofton Downs. The plan change involves re-zoning the land from Rural Area to Outer Residential Area. New rules and associated maps set limits on the number and siting of additional dwellings. Strict controls have been applied to indigenous vegetation clearance.

The properties gain access off Huntleigh Park Way, Heke Street and Thatcher Crescent, Ngaio. These allotments range in size from 1,471 m² to 1 hectare, and apart from the existing residential sites, all of the land is covered in remnant and regenerating indigenous vegetation. They are all individually owned, with all but one property having an existing house on the property. The map below illustrates the current District Plan Zoning, and highlights the properties affected by the plan change.



4.0 Background

4.1 Reason for initiating this plan change process

The present Rural Area zoning arose during the preparation of the Proposed District Plan in the early 1990s. The Residential G Zone in the Transitional District Plan was a ‘rural residential’ zoning that provided for large residential lots with a minimum average area of 6,000m². As there was no similar zoning provided for in the Proposed District Plan it was decided at the time that the land should be zoned Rural Area, and that this would need to be reviewed at a later stage once the plan had been made operative.

This plan change process is an acknowledgement that the present Rural Area zoning is inappropriate given that it is not used for rural purposes and is within the urban environs of the city.

Reports prepared by Paul Blascke (ecologist) and Clive Anstey (landscape architect) and more recently by Boffa Miskell (refer to Attachment 2) all acknowledge the ecological importance of the Huntleigh Park land and the importance of protecting this land from inappropriate use and development¹. However, there are no indigenous vegetation clearance controls applying to the land, and any of the present and future landowners would be able to clear all of the land without recourse to Council, or use livestock or other inappropriate land uses to destroy or compromise the ecological integrity of the land.

5.0 Plan Change Options

A number of options have been considered by Wellington City Council in developing District Plan Change 61. These options are set out below

5.1 Description of Options

Option 1: Retain existing Rural Area zone

This is the status quo option. No further residential development is permitted, except for one dwelling on the undeveloped land at 11A Huntleigh Park Way. There is no vegetation protection rule applying to the land.

Option 2: Identified dwelling sites, residential and conservation zoning

This option investigates whether it was feasible to develop additional residential sites over the five properties having regard to Councils district plan and servicing requirements, whilst maintaining and protecting as much of the ecological significant parts of the land as possible.

Option 2a

This involves the preferred option presented in the Boffa Miskell Report (Option 1 – Independent Driveway Access). It involves zoning the eastern part of the land Conservation Site (which is contiguous with the existing Huntleigh Park Conservation Site), and the remaining land would have been zoned Outer Residential Area.

Table 2 - Option 2a: Identified dwelling sites and Conservation Site zoning

Property	Development implication of Option 2
11A Huntleigh Park Way, Ngaio	<ul style="list-style-type: none">• 2 dwelling sites; balance area Conservation Site
83 Heke St, Ngaio	<ul style="list-style-type: none">• 1 dwelling site; balance area Conservation Site
79 Heke St, Ngaio	<ul style="list-style-type: none">• 1 dwelling site, access from 83 Heke St; balance area Conservation Site
21 Thatcher Crescent, Crofton Downs	<ul style="list-style-type: none">• 1 dwelling site with access from an existing ROW; balance area Conservation Site

¹ These three reports form part of the s32 analysis undertaken as part of the Plan Change.

19 Thatcher Crescent, Crofton Downs	• 1 dwelling site with access from an existing ROW ; balance area Conservation Site
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Option 2b

This sub-option was prepared by council officers and was also presented to landowners and residents for consultation purposes. This was principally the same as Option 2a above, but an additional dwelling site was identified for 11A Huntleigh Park Way and the zone boundary was moved to provide for more Outer Residential Area land on the site (to accommodate the additional dwelling site). A minor zone boundary adjustment was also made at 19 Thatcher Crescent.

Option 3: Identified dwelling sites and residential zoning

Following the conclusion of consultation on Options 2a and 2b above, a third modified option has been developed and this forms the basis of notified Plan Change 61.

The key features of this option are as follows:

Zone

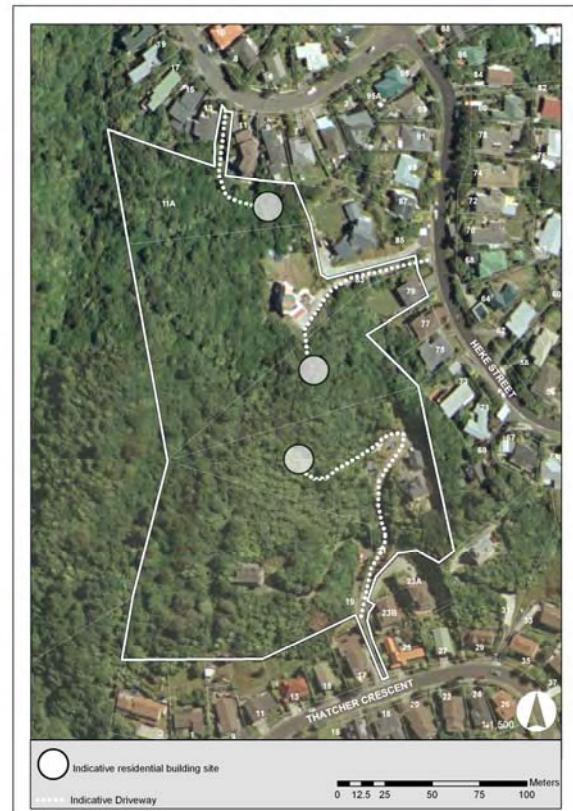
1. The current Rural Area zoning will be replaced with an Outer Residential Area zoning over the five properties, and new rules will apply specifically to this land. There will also be a new map appendix (Appendix 25) indicating the location of the ‘indicative residential building sites’.

Indicative residential building sites

2. One ‘indicative residential building site’ is identified for the properties at 11A Huntleigh Park Way, 79 Heke Street and 21 Thatcher Crescent

This is similar to Option 2a above, (except the land is zoned Outer Residential Area), and the indicative residential building sites have been moved slightly to the east to minimise vegetation loss, and associated engineering works and development costs.

While a residential site has been identified on 79 Heke Street the house on this property prevents access being gained to the rear of the property, and the only way to access the site would be from the adjoining neighbours’ driveway (83 Heke Street). Whilst the current neighbours have indicated that their consent is not likely to be forthcoming, the potential for



developing this land is recognised in the district plan.

Each indicative residential building site is permitted to accommodate not more than 2 residential dwellings.

3. All residential development associated with these ‘sites’ would be assessed as a *discretionary activity (unrestricted)*. Development could be notified if the written consent of affected parties is not able to be obtained or the environmental effects are more than minor.
4. An environmental impact assessment will be required as part of any resource consent application. This shall specifically address vegetation clearance.

Development outside of the indicative residential building sites

5. Any development proposed outside of the identified residential building sites would be a non-complying activity. Development of this nature would generally not be supported.
6. Landowners will be able to undertake normal residential extensions and development associated with their existing dwellings, subject to compliance with the relevant Outer Residential Area provisions.

Indigenous vegetation clearance

7. Indigenous vegetation clearance would be permitted when developing an indicative residential building site and in the creation of vehicular access to the site.
8. Only very limited vegetation clearance outside of the indicative residential building sites will be permitted similar to the rule applying in Conservation Sites.

6.0 Consultation

6.1 Consultation Process

Landowners directly affected by this plan change were consulted as part of the plan change proposal presented to the Strategic Policy Committee in August 2006.

Landowners were consulted during the preparation of the Boffa Miskell report and again after its conclusion when Options 2a and 2b outlined above were presented to them.

6.2 Landowner views

Two of the landowners agreed in principle to one additional building per allotment and some form of bush protection over the land. The owners of 83 Heke Street indicated they would prefer to have two additional building sites but could accept one additional building site provided it allowed for two townhouses.

The owners of 19 Thatcher Crescent did not support further residential development of any of the land. The owners of 11A Huntleigh Park Way indicated that they would like to undertake more intensive residential development than is provided for in either of the options presented to them.

6.3 Community consultation

Following discussions with these landowners, letters were circulated to residents in the immediate vicinity of the land, to the Trelissick Park–Ngaio Gorge Working Group, the Ngaio Progressive Association, and the Wellington Branch of Forest and Bird. The letter included the preferred option presented in the Boffa Miskell report and the ‘modified officer’ option. The Boffa Miskell report was also made available to any people who requested it. This consultation was completed at the end of May 2007.

Resident submissions

A total of 18 submissions were received from residents in the area, all of which were opposed to further residential development and wanted protection of the indigenous vegetation. Some submitters wanted Council to zone all of the land Conservation Site or the land purchased by Council.

Main issues raised by the submitters included:

- the remnant and regenerating vegetation on the land is ecologically important and no further development should be allowed;
- the land’s topography and elevation means that it is highly visible and an important backdrop to the city.
- further development may lead to traffic congestion problems in the area; and
- an insufficient level of consultation has taken place.

Community and environmental group submissions

The Trelissick Park Group requested that all of the land be protected with covenants and a Conservation Site zoning, with an Outer Residential Area zoning limited to around the existing houses. If this was not possible, the submitter requested that the District Plan allow only one to two houses on 11A Huntleigh Park Way, 1 house each on 79 and 85 Heke St and 21 Thatcher Crescent. No house should be provided for on 19 Thatcher Crescent as the landowner does not wish to develop his land further.

A submission by the Ngaio Progressive Association Inc requested that Council purchase the land, or if this is not possible for Council to adopt the Boffa Miskell option. This is the option which forms the basis of the proposed plan change. The Wellington Branch of Forest and Bird requested that all of the land be zoned

Conservation Site and that no further residential development be permitted on the land.

7.0 Assessment of options

7.1 Objectives

Section 32 requires the Council to be satisfied that the objectives in the District Plan are the most appropriate means of achieving the purpose of the RMA. District Plan Change 61 proposes no new objective as the existing objectives applying to the Outer Residential Area are considered appropriate to provide for the sustainable management of the land. These objectives were evaluated when the District Plan was notified and made operative.

No evaluation of the objectives is therefore necessary.

7.2 Policies, rules and other methods

Section 32 requires the Council to consider whether the policies, rules and other methods used in the Plan Change are the most appropriate method of achieving the Plan's objectives. No new policies are proposed in this District Plan change.

Rules based approach

The Plan Change has adopted a rules-based approach to managing the environmental effects of possible future residential development of the land. The options presented to landowners and residents showed a split Outer Residential Area / Conservation Site zoning across all of the land (running north to south). Further consideration of this approach has led to a revised zoning proposal as this would have led to zone boundary delineation problems particularly as it did not follow cadastral boundaries. In turn it would have been difficult to determine the point at which one form of development was permitted and where it was not.

Alternative methods

Landowners were asked to consider whether they supported protection of the indigenous vegetation outside of the identified dwelling sites. This included the use of private protection covenants over the land and/or a Conservation Site zoning. Private covenants rely on the willingness of all the landowners to agree to them and to ensure the ongoing protection of the indigenous vegetation. Some of the landowners were receptive to this approach. These landowners also preferred that Council purchase the land.

Council considered the possibility of purchasing the land and managing it as part of the adjoining Huntleigh Park Conservation Site. This option was however considered impractical as the land is difficult to access as it is largely landlocked, which in turn presents practical difficulties in managing the land as part of Council's open space network.

A more efficient and effective method for providing for future residential development whilst protecting the majority of the indigenous vegetation was to apply site specific rules as set out in Option 3 above.

Benefits and costs of each option

The four options outlined in 5.1 above must be evaluated in terms of their benefits and costs, having regard to the effectiveness and efficiency of each option in achieving the Plan's objectives. This assessment is set out in Attachment 2. It shows that Option 4 is the most appropriate option for giving effect to the policies, rules and other methods contained in Plan Change 61.

7.3 The risk of acting or not acting

This plan change process is an acknowledgement that the present Rural Area zoning is inappropriate given it is not used for rural purposes and is within the urban environs of the city. This was acknowledged at the time the District Plan was notified in 1994, and a decision was made to re-consider this zoning as part of a plan change at a later date.

The zone provisions do not provide for any further residential development, except on the undeveloped land at 11A Huntleigh Park Way where only one dwelling can be developed.

Reports prepared by Paul Blascke (ecologist) and Clive Anstey (landscape architect) and more recently by Boffa Miskell all acknowledge the ecological importance of the Huntleigh Park land and the need to protect this land from inappropriate use and development. However, there are no indigenous vegetation clearance controls applying to the land and any of the present and future landowners would be able to clear all of the land without recourse to Council, or use livestock or other inappropriate land uses to destroy or compromise the ecological integrity of the land.

This plan change will protect the indigenous vegetation outside of the identified dwelling sites and allow further limited residential development to occur within a tightly controlled district plan rule framework.

8.0 Conclusion

The site-specific investigations that have been undertaken in the preparation of this plan change show that it is possible to accommodate further limited residential development on these properties provided conservation gains are made on the balance land. This principle is accepted by most of the landowners. Local residents and community groups have expressed concern that a valuable area of indigenous vegetation might be lost or destroyed through more intensive residential development on this land. These concerns have been carefully considered in the preparation of this plan change.

Proposed District Plan Change 61 strikes a reasonable balance between allowing some targeted and tightly controlled residential development to occur and ensuring the ecological integrity of the land is maintained. Rules are the most effective means of

managing potential future development of the land. All but the most minor development will require a resource consent at which point detailed assessments to be undertaken and appropriate conditions imposed.

This plan change is the most appropriate way of achieving the Plan's objectives, and the proposed provisions are effective and will provide for efficient administration of the District Plan. This is consistent with the sustainable management principles contained in section 5 of the Resource Management Act 1991.

Table 3: Benefits and costs of options one, two and three

	Option 1 – Retain existing Rural Area Zone	Option 2 - Identified dwelling sites, residential & conservation zoning	Option 3 - Identified dwelling sites & residential zoning
Benefits	Administrative clarity and efficiency		
	<ul style="list-style-type: none"> Provides clarity that no further development is permitted on all but one of the properties. 	<ul style="list-style-type: none"> The zone boundary does not follow any particular cadastral or topographical feature and may lead to clarity difficulties and administrative inefficiencies. The dwelling sites and driveways are well defined, and it is clear where future dwellings must be located and how many are permitted. 	<ul style="list-style-type: none"> All the land is zoned Outer Residential Activity Area and the zone boundary follows the line of the cadastral boundaries. The dwelling sites and driveways are well defined, and it is clear where and how many future dwellings could be developed..
	Objective, policy and rule clarity		
	<ul style="list-style-type: none"> The policies and rules are clear that only limited minor development of the land is permitted. The zoning and provisions are inappropriate given the land is not used for rural purposes and is within the urban environs of the city. 	<ul style="list-style-type: none"> The zone objectives, policies, and rules are clear about what activities are provided for generally. The residential capacity assessment and identification of future dwelling sites and driveways provides a very clear indication of whether development is considered acceptable in principle, subject to a detailed assessment through the resource consent process. 	<ul style="list-style-type: none"> The zone objectives, policies, and rules are clear about what activities are provided for generally. The residential capacity assessment and identification of future dwelling sites and driveways provides a very clear indication of whether development is considered acceptable in principle, subject to a detailed assessment through the resource consent process.
	Manage the effects of activities		

	Option 1 – Retain existing Rural Area Zone	Option 2 - Identified dwelling sites, residential & conservation zoning	Option 3 - Identified dwelling sites & residential zoning
	<ul style="list-style-type: none"> This zoning is effective in limiting further residential development, but would not prevent the indigenous vegetation being cleared. 	<ul style="list-style-type: none"> The residential capacity assessment and identification of future dwelling sites and driveways provides a very clear indication of whether development is considered acceptable in principle. The resource consent process allows detailed consideration of each application Third party rights could be taken into account through the resource consent process. 	<ul style="list-style-type: none"> The residential capacity assessment and identification of future dwelling sites and driveways provides a very clear indication of whether development is considered acceptable in principle. The resource consent process allows detailed consideration of each application Third party rights could be taken into account through the resource consent process.
Costs	Compliance and administrative costs		
	<ul style="list-style-type: none"> The zone provisions do not provide for additional residential development and applications for resource consent face a more difficult and uncertain assessment process. Time and compliance costs for landowners when applying for resource consents. Additional compliance costs for landowners if applications are notified 	<ul style="list-style-type: none"> Similar to Option 2, except that these costs are likely to be reduced where development occurs in accordance with the identified dwelling sites as set out in Appendix 25. Some applications may be non-notified whilst others might be notified. 	<ul style="list-style-type: none"> Similar to option 3.

	Option 1 – Retain existing Rural Area Zone	Option 2 - Identified dwelling sites, residential & conservation zoning	Option 3 - Identified dwelling sites & residential zoning
Summary	<p>The residential capacity assessment and identification of future dwelling sites and driveways provided for in options 2 and 3 have the potential increase certainty for landowners that development undertaken in accordance with Appendix 25 of the district plan is likely to be acceptable in principle, subject to a full assessment of the environmental effects.</p> <p>Taking into account the above costs and the benefits, it is considered that Option 3 is the most appropriate option for giving effect to the policies, rules and other methods contained in Plan Change 61.</p>		

Attachment 1

Assessment of Residential Development Potential

Huntleigh Park Environs, Ngaio

Assessment of Residential Development Potential Huntleigh Park Environs, Ngaio

Prepared for

Wellington City Council

by

Boffa Miskell Limited

March 2007

1.0 Background

- 1.1 Wellington City Council considered a proposal to rezone 11 properties adjoining Huntleigh Park, Ngaio from Rural to Conservation Site / Outer Residential with a small amount of Open Space A. Council's Strategy and Policy Committee considered the proposal in August 2006 and decided after submissions from five landowners, that for these particular properties, a more detailed investigation should be undertaken to establish whether it was possible to sensitively subdivide and create building platforms which would not have a significant effect on the ecological and landscape values of the locality.
- 1.2 Boffa Miskell was engaged by Wellington City Council in January 2007 to carry out this more detailed investigation with a view to consider the specific requests made by each landowner as to whether further residential development of the scale they envisage could be achieved on their sites and if so, to consider whether any specific restrictions or controls on development should be applied to future development of these sites. In completing this assessment, the Council's brief stated that there was no requirement to provide the number of building sites requested by each of the landowners and that "*if ecology of the sites will not support further residential development then this should be stated and justified.*"
- 1.3 The paper that was presented ,to the Strategy and Policy Committee by Council Policy Advisor, Jonathan Anderson, drew on two consultant reports prepared for Council, a landscape assessment report prepared by Clive Anstey and an ecological assessment prepared by Dr Paul Blaschke. The information and findings in these two reports has also been taken into account in preparing this development assessment. In addition, discussions and a meeting with Dr Blaschke was held to clarify specific matters in relation to the recommendations made later in this report.
- 1.4 A visit to each of the properties was made and a site walkover to look at potential development sites, the vegetation, topography and also to consider how sites could be serviced and if vehicular access could be readily achieved. Council supplied a range of information and details on existing services, together with 1.0m contour data from recently acquired detailed LIDAR survey information.
- 1.5 One of Council's requirements was to ensure that in considering development potential, account must be taken of engineering and subdivision standards. In order to be able to provide this information as part of this report, discussions were held and a site visit made, with consultant surveyors and engineers, Truebridge Callender Beach (TCB). TCB provided an assessment on the development constraints for each of the areas identified and highlighted the issues that would need to be taken into account to implement the recommendations from both surveying and engineering perspectives but not in relation to potential ecological and landscape effects.

2.0 Site Description

2.1 The five properties considered in this report are set out in the table below:

Landowner	Land	Expectations
D Chester & S Kubala – 11 Huntleigh Park Way	Rural Zone – 3500m ²	Want four residential allotments
G & P – 83 Heke Street	Rural Zone – 4361m ²	Want 1 additional allotment
T Stahlberg – 79 Heke Street	Rural Zone – 8711m ²	Want 1 or 2 allotments
J Jewell and C Wood – 21 Thatcher Cres	Rural Zone – 6850m ²	Want 1 or 2 allotments
G Purdie – 19 Thatcher Cres	Rural Zone - 10018m ²	No subdivision but may want to clear vegetation to plant a garden

Figure 1 shows the location of properties in relation to the Huntleigh Park Reserve boundary. It also shows the location of underground services.

2.2 Both the ecology¹ and the landscape² assessment reports provide detailed description of the site and it is not intended to repeat this information here. Instead, the key characteristics that are specifically relevant to the identification of potential development sites are noted below:

- Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;
- It forms a valuable ecological corridor between Otari-Wiltons Bush and Khandallah Park;
- The ‘core’ of the remnant is owned by Wellington City Council and Girl Guide Association; it is zoned Conservation site;
- In the southeastern corner of the forest at 16 Silverstream Road there is a portion of the remnant area held by several adjoining owners as ‘private reserve’;
- Residential housing is located around the edge of the remnant and a proportion of the forest along the eastern boundary is held in private ownership by the 11 properties;
- These 11 properties were originally zoned Rural Residential (Residential G) in the previous district plan;
- These properties are zoned Rural in the present district plan on the basis that Council would undertake further investigations to determine the most appropriate zoning and development controls;
- As part of the Council investigations, a landscape assessment was completed in 1998 and concluded that the whole block of remnant forest is visually significant and integral in terms of amenity values providing a context and backdrop for many residential properties and contributing to the identity and character of the area;

¹ Ecological Assessment of Private Land Adjoining Huntleigh Park, Dr Paul Blaschke, June 2006

² Landscape assessment: The Crofton Downs Site, Clive Anstey, 1998

- An ecological assessment carried out in 2005 mapped the vegetation on the 11 adjoining properties recognising 6 vegetation units and grouping them into those that are 'Highly Ecologically Significant' and those that are 'Less Ecologically Significant';
 - The boundary of the 'Highly Ecologically Significant' units was used as a major consideration in defining a boundary between Conservation Site and Outer Residential;
 - The ecological assessment also recognised the value of the vegetation around the 'core' held in private ownership by the 11 owners in terms of the buffer that it provides.
- 2.3 The vegetation units are shown on Figure 2. Although not included in his assessment report, Dr Blaschke also drew a line on his vegetation map to illustrate what he felt could be used as the boundary between Conservation Site and Outer Residential³. This 'flat' line is in keeping with Dr Blaschke's recommendation of avoiding deep intrusions into the areas of highly ecologically significant vegetation "*to avoid left over projections of forest that are vulnerable to the influences of climate, weeds and human disturbance*"
- 2.4 The topography of Huntleigh Park is mainly steep hill country with incised streams and the topography of the five adjoining properties subject to this assessment, is similar. The slope analysis (Figure 3) illustrates the nature of the topography.
- 2.5 In relation to each of the five properties the following points are noted:

Chester & Kubala, 11 Huntleigh Park Way: own the adjoining standard residential property to the east. Access to no. 11 is via a dogleg on the western boundary. No. 11 wraps around the rear of five 'standard' residential properties on Huntleigh Park Way, including the property where the Chesters' reside. The vegetation is a combination of mixed broadleaf and kohekohe-dominant broadleaved forest, which Dr Blaschke has identified as 'Highly Ecologically Significant'. The boundaries to the five adjoining properties are defined, in most cases, by fences. The owner of the adjoining property to the east has recently, with permission of Mr Chester, cleared an area of native vegetation on the Chester land, to improve sunlight access to his property. This appears to be the only recent intrusion into the forest, although there is evidence of garden waste being dumped from neighbouring properties.

The dogleg off Huntleigh Park Way provides easy access into the site and driveways and building sites could be developed both east and west of this. There are however, some steep sections, as can be seen on the slope analysis, which would influence how the driveways and building platforms could be developed.

In an effort to investigate the development potential of his site, Mr Chester engaged a surveyor from TCB to carry out some preliminary work with a view to see how additional building sites could be accommodated on the property. In addition, Mr Chester indicated that if he were able to develop additional residential sites, he would probably be prepared to protect the native vegetation in the western corner of the site, where the topography is steep.

³ Pers comm., Dr Paul Blaschke, February 2007

After a site visit and discussions with TCB carried out for the preparation of this assessment, it appears as if four building sites would be able to be developed on the property but in doing so it would require significant encroachment into the forest remnant, including removal of tall vegetation, and earthworks. The intrusions into the forest would create significant 'edge effects' and be ecologically damaging to the forest. It would simply not be feasible to develop driveways and building platforms and retain healthy and viable native vegetation between the sites; and issues such as removal of sufficient vegetation to provide of good sunlight access to each of the sites, compaction around tree roots, and exposing the forest interior to wind, would all have adverse effects on the remnant.

If any additional building development or subdivision were to occur then it should be on the eastern 'half' of the site. The elevated part of this portion of the site has wide views to the harbour, hills and the surrounding suburbs. This area does however look directly into two adjoining properties at a lower elevation; one of the owners of these properties (Taylor) is also seeking to develop additional building sites on their property. These matters would be assessed as part of any resource consent application required for residential dwellings.

Driveway access to this eastern part of the site could be readily achieved as could a suitable building platform(s). However, the broadleaf native forest in this area would have to be removed or would be opened up to a degree that dieback would likely occur over time.

Development in this area would however occur on the edge of the forest and the portion of forest on the western 'half' of the Chester property could be retained and be managed as part of the already protected remnant forest (Huntleigh Park Reserve). Siting residential houses on the edge would be similar to that which occurred when the 11 properties and others in the neighbourhood were originally built (i.e. they too encroached around the edge of the remnant rather than penetrating right into the 'core')

Development in this part of the property need not be limited to an individual dwelling(s); instead a multi-unit development could be accommodated on the site utilising a series of stepped building platforms to help minimize earthworks.

Further discussion on potential development is covered in section 4.0.

Taylor, 83 Heke Street: bounds the Chester property to the south. Access is via a steep driveway via a dogleg off Heke Street. There is an area of flat land on the northern side of the Taylor's house but the topography falls away steeply immediately to the west of the house. Below this steep face, there is a band of flatter topography running north-south across the property (see Figure 3, Slope Analysis).

The native vegetation on the site is identified as 'Highly Ecologically Significant' and comprises a combination kohekohe-dominant broadleaved forest on the upper part of the site with podocarp-broadleaf forest further down the slope.

The Taylor's are seeking provision for 1 additional lot⁴ with access being provided by extending the existing driveway and locating an allotment in the forest below their house. This would enable them to maintain an unobstructed view from their house over the roof of the proposed house below.

Creating another building site(s) in the area proposed by the Taylors would not only encroach into forest that has been identified as having significant ecological value but it would also create a significant amount of edge to this forest; in time further frittering of the native vegetation would occur through greater exposure and damage by wind and the activities that an additional residential dwelling brings with it.

The Taylor's previously rejected a suggestion from a Council officer of developing an additional building site on the area of lawn that immediately adjoins their house to the north, on the basis that a dwelling in this location would be too close to their existing house and it would cover all of their outdoor living area.

The potential development site on the Chester property described in the section above overlooks the Taylor's lawn and outdoor living area.

Development options are further discussed in section 4.0.

Stahlberg, 79 Heke Street: property lies south of the Taylor's driveway. The Stahlberg property lies on the flat fronting Heke Street and is situated at the base of the steep embankment on which the Taylor's driveway is built⁵. The Stahlberg's house occupies most of the street frontage with a narrow paved pedestrian accessway along the southern boundary and a similar narrow strip of lawn between the house and the embankment on the northern boundary.

Native vegetation on the wedge-shaped property comprises a wide band of mahoe-dominated broadleaved forest along the edge below the Stahlberg's house grading into tree fern land and low forest with a narrow band of podocarp-broadleaved forest near the apex of the site. Dr Blaschke classifies both the mahoe-dominant forest and tree fern vegetation in his report as being 'Less Ecologically Significant'.

The Stahlberg's are seeking 1 or 2 additional allotments. While the forest on this property is recognised as being less ecologically significant, Dr Blaschke notes in his assessment in relation to the vegetation classified as such, that there is active regeneration and most of it "*would become more ecologically significant over time if not disturbed.*" In addition, Dr Blaschke stresses the importance of this 'Less Ecologically Significant' vegetation in providing a buffer to the 'core' forest.

There are significant constraints in achieving development on this particular site – gaining vehicular access from Heke Street, the steep topography, and its shape. These constraints are in addition to having to remove a substantial area of buffer vegetation on the steep topography in order to be able to construct a dwelling(s).

⁴ During the site visit Mr & Mrs Taylor indicated that they were seeking two additional lots.

⁵ The embankment immediately adjacent to the Stahlberg's house is 5-7.0m high.

Given these constraints it appears that the most likely solution to develop the rear of this site would require cooperation with the owners of neighbouring properties which is further discussed in section 4.0.

Jewell & Wood, 21 Thatcher Crescent: is a triangular-shaped property immediately south of Stahlberg's but with driveway access via a right of way (ROW) off Thatcher Crescent. The long driveway provides seclusion to the dwelling and to the separate adjoining office. The house and the office have views over the well vegetated slopes, with a large stand of tree ferns creating a focus.

The vegetation mostly falls into the 'Less Ecologically Significant' category and comprises a large area of tree fern land and low forest and a lesser area of mahoe-dominant broadleaved forest on the lower slopes with small bands of podocarp-broadleaved forest and mixed broadleaved forest on the upper slopes. While the large podocarps in the podocarp-broadleaved forest are probably around 100 years old, the mahoe-dominant forest is probably 40-50 years old since grazing ceased. The tree fern low forest, especially where it is even-aged and continuous, suggests succession from cleared land. The lower slopes are relatively gentle but with steep mid slopes.

A stormwater pipe traverses part of the site and extends along the northwestern side of the driveway.

The ROW provides access to five properties (i.e. nos. 17, 19, 21, 23a and 23b Thatcher Crescent). There are no specific district plan rules applying but the Code of Practice standard for ROW's is applied to subdivisions.

Given the driveway provides good access to the heart of the property, there are places along the driveway where access could be formed to a potential building site.

Purdie, 19 Thatcher Crescent: is not seeking any further subdivision of his property but wants provision to clear vegetation near the house to plant a garden. Access to this property is via the ROW described above.

Access to the existing dwelling, which is situated in a clearing within the forest, is via a low-key gravel driveway. The tree fern land and broadleaved forest, which is present on the Jewell property described above, extends on to this property along the outer edge adjoining the ROW. However, mixed broadleaved forest and podocarp-broadleaved forest, both of which are recognized in Dr Blaschke's report as 'Highly Ecologically Significant' envelopes the house and the hillslopes behind.

Of the five properties being assessed part of this report, the Purdie dwelling encroaches the greatest distance into the forest; the existing dwellings on the other four properties in this assessment are located along the edge of the forest. Mr Purdie has carried out some low-key development in the forest immediately adjoining the dwelling, which has required some minimal vegetation clearance and disturbance (vegetable garden, compost bins).

At least one additional residential building site could be accommodated in younger regenerating forest between the ROW and the existing dwelling with access off the existing driveway but the current owner is not interested in this option.

3.0 Future of the Forest

- 3.1 The original subdivision of this area encroached into the existing remnant, effectively creating a new 'edge'. The vegetation around this edge was probably already depleted but provided a buffer to the 'core' area of forest. The young areas of forest and the stands of continuous stands of tree fern indicate that most of these areas would have been cleared or mostly so, at the time of development and have since regenerated.⁶
- 3.2 The forest provides a backdrop to many residential properties and for some, even on the standard residential properties, fragments of the remnant remain inside the boundaries on some of these properties. Having the forest bounded by residential properties has prevented unlimited intrusions and access and has probably assisted in sealing it off to exposure by wind, etc. However, at the same time residential development has introduced new pressures on the remnant bush – dumping of garden waste, introduction of pest plants, including garden escapes, clearance of vegetation to improve sunlight access, an increased risk of fire and damage to bird life by cats. However, from Dr Blaschke's report and the site visits undertaken in completing this assessment, it appears that damage from these activities is relatively limited.
- 3.3 The additional building sites being sought by four of the five landowners would effectively create a new forest edge; the overall effect being a further frittering of both advanced forest identified as 'Highly Ecologically Significant' and the valuable environmental buffering provided by the younger regenerating vegetation ('Less Ecologically Significant'). To ensure the health and viability of any forest remnant, it should be kept intact in a single block rather than fragmenting it into a series of smaller areas. A remnant that is broken up into smaller fragmented areas results in a large proportion of 'edge', thus providing greater exposure and limiting the nature of the type of species that will develop through natural regeneration (this is generally referred to as 'edge effect').
- 3.4 As explained in Dr Blaschke's report, the aim in defining an 'acceptable' line between the area set aside and protected for conservation purposes and that for further residential building sites, should achieve some conservation gains. The areas of forest on the five properties currently zoned Rural and in private ownership should be permanently protected and managed as an integral part of Huntleigh Park Reserve; that is, the forest should be managed as a single entity. Dr Blaschke in his report provides a series of management recommendations to improve and support ecological values. These provide a good starting point for areas set aside for long term protection of conservation values through protection mechanisms such as QE2 Open Space covenants or Conservation Covenants under the Reserves Act.
- 3.5 Jonathan Anderson, in his August 2006 report on rezoning to the Strategy and Policy Committee, recommended that a line between the land proposed to be rezoned for Conservation and that for Outer Residential be as 'flat' as possible; this was based on Dr Blaschke's assessment of "*avoiding deep intrusions into areas of highly ecologically significant bush....*". This is one of

⁶ Dr Blaschke discusses the history of the Huntleigh Park vegetation on pages 3-7 of his report.

the principles that have been adopted in determining a proposed line as part of this assessment of potential development.

- 3.6 If any further development of building sites is to occur then the primary aim should be to achieve significant long-term protection and management for as much of the Huntleigh Park forest remnant while allowing a limited amount of additional residential development along the existing forest edge. Figure 4 shows the proposed boundary between the areas where further development could proceed and the area that should be protected for conservation purposes.

4.0 Proposed Rezoning

- 4.1 Allowing further residential development on the four properties as requested by the owners will have adverse effects on the ecological and landscape values of the Huntleigh Park native forest remnant. Further intrusion into the edge, or beyond, will decrease the area of Highly Ecologically Significant forest and also reduce those areas of forest identified as Less Ecologically Significant, (forest in this latter category would become ecologically significant over time if they are not disturbed and are managed properly). The further ‘frittering’ of the forest edge and additional activities and pressures that additional houses and people would invariably bring, will have adverse environmental effects.
- 4.2 Mr Purdie, is not seeking further subdivision or building development but instead wants to be able to clear some areas around the edge of his dwelling in order to extend his garden⁷. This can be readily achieved and judging by the nature of the clearing that Mr Purdie has already carried out on his property, the ecological effects of a limited amount of additional clearing should be relatively minor.
- 4.3 However, the portion of the forest remnant on Mr Purdie’s property is very important in the overall ecological and landscape context and permanent protection of it should be included as part of the aims of the Council’s current exercise, despite Mr Purdie not seeking additional building sites. While Mr Purdie, as the current owner, is keen to see the forest protected and no further residential dwellings on his property, a future owner may not be as enthusiastic about the forest and seek to remove it.
- 4.4 If some rezoning of parts of these properties could achieve significant long-term ecological benefits and outcomes, then this is something worth pursuing. But this should not be done at any cost and not necessarily in accordance with what each property owner is seeking to achieve.
- 4.5 TCB prepared development options based solely on what could be achieved on each of the sites; they ignored ecological and landscape aspects. Instead, they focused on potential subdivision with regard to access and earthworks and creating suitable building platforms that could be achieved under Outer

⁷ In terms of access and building sites Mr Purdie’s property physically could accommodate an additional building site in the area between his existing ROW and dwelling with access off his driveway.

Residential zoning and standards. Two of the options require the mutual cooperation of three owners to achieve vehicle access and the third option assumes each owner would proceed independently. For example, driveway access to the Stahlberg site is only available via the Chester and Taylor properties. Given the position of the Stahlberg's house there is no possibility of vehicular access via the Stahlberg's Heke Street frontage.

- 4.6 All of the sites considered in the options can be serviced by gravity sewer to the existing contour sewer main. Stormwater would be disposed of by way of soakage trenches. Some of the properties could be more intensively developed than others due to the relatively gentler contour and the location of the sewer main.
- 4.7 A proposed rezoning boundary and identification of additional building sites has been determined by combining the findings of TCB's development feasibility scenarios and ecological and landscape objectives as set out in the brief. In pure development terms, up to 10 potential additional building sites could possibly be achieved across the five properties but to do so would significantly compromise ecological and landscape values with major damage and intrusions into the forest. Two scenarios are identified; Option 1, is where all landowners proceed independently with 5 additional building sites proposed⁸. Option 2 achieves 7 potential building sites but requires the Chesters, Taylors and Stahlberg's cooperating with regard to driveway access to the Taylor's and Stahlberg's additional lots via the Chester property off Huntleigh Park Way. In Option 1 no further development would be possible on the Stahlberg's property.
- 4.8 An integral part of these proposals is the permanent protection of the forest on the balance of the properties. This could be achieved by way of additions to the existing reserve or by way of covenants and a vegetation protection rule on some of the areas that would be rezoned Outer Residential.
- 4.9 Figures 5 and 6 illustrate how subdivision and building development could occur but at the same time enabling conservation gains to be achieved. This does not mean the areas outside the proposed conservation line should simply be cleared because they have potential to be developed. Some of the vegetation outside the conservation line should also be retained as a positive feature on these sites. However, any rezoning must be contingent upon achieving significant long-term conservation gains on all of the properties; that is protection of all of the area identified as within the Conservation zone. If such gains cannot be achieved then the status quo should remain (i.e. no further subdivision or building) because any further residential development will have environmental effects on the existing forest area.
- 4.10 As part of the rezoning and subsequent resource consent process, a development plan for each site should be required showing how the subdivision and building development could be achieved – driveway access, earthworks, vegetation to be retained and protected, location of building platforms, and any restrictions on building form and design such as distance of dwellings from the Conservation zone/protected forest boundary. Multi-unit housing could be developed on sites zoned Outer Residential, subject to meeting various provisions (ie Restricted Discretionary).

⁸ A sixth building site could be achieved on Mr Purdie's property.

- 4.11 QE2 National Trust Open Space Covenants would probably be the most appropriate and effective mechanism to protect the forest on the private properties. The Trust is an independent body, which appeals to many landowners and Open Space Covenants are drafted specifically for each property based on negotiations between the Trust and the landowner. The land remains in private ownership and the Trust provides assistance with various management aspects. In addition, the Trust is an active trustee and amongst other things, carries out an inspection of every open space covenant every two years. If things are amiss in terms of not meeting the conditions of covenant, then an action will be taken and more frequent inspections carried out until matters are rectified.
- 4.12 Figure 5 illustrates Option 1 and Figure 6 Option 2. (As noted previously, in Option 1, development of additional building sites on the Stahlberg's property would be totally dependent on cooperation from both the Chesters and Taylors).
- 4.13 The table below sets out the number of proposed additional building sites based on landowners operating independently, site constraints and the Outer Residential rules, which allow two dwellings per allotment.

Landowner	Option 1: Proposed No. Building Sites (based on site constraints & Outer Residential Rules)	Option 2: Proposed No. Building Sites (based on site constraints & Outer Residential rules)
Chester	2	2
Taylor	2	2
Stahlberg	0	1 (exception to Outer Residential Rules)
Jewell	1 (exception to Outer Residential rules) ⁹	1 (exception to Outer Residential Rules)
Purdie ¹⁰	1 (exception to Outer Residential Rules)	1 (exception to Outer Residential Rules)

5.0 Summary and Recommendations

- 5.1 Removal and further encroachment into the forest with development of additional residential dwellings on each of the properties concerned will have adverse ecological effects. However, the level of damage would be relatively confined if additional residential development is restricted to the outer edge of

⁹ Limit to one additional building site.

¹⁰ Mr Purdie is not seeking any additional building sites. However, this is included in the table because as shown on Figures 5 and 6, an additional building site could be created on his property. Of all the sites this one would be the easiest to develop with regard to creating driveway access and a building platform with relatively limited ecological and landscape effects.

the forest rather than intruding into it as some of the proposals suggested by the property owners would.

- 5.2 Given the recognized ecological and landscape values of the forest, any rezoning must seek to achieve significant conservation gains by increasing the area of forest that is permanently protected. Maximising the number of additional building sites or area for residential development and token contributions of small additional areas of forest for permanent protection should be resisted.
- 5.3 Permanent protection could be achieved in several ways, through purchase by the Council and adding it to the Huntleigh Park Reserve, or through QE2 Open Space Covenants or Conservation Covenants under the Reserves Act. Chapter 18 of the Wellington City District Plan set out the aims and rationale of conservation sites, including the ecological criteria used to assess significance of these sites and the conservation site objectives and policies. Chapter 19 sets out the rules.
- 5.4 Huntleigh Park is identified as Site 5D and its significance as a conservation site is noted because of its:

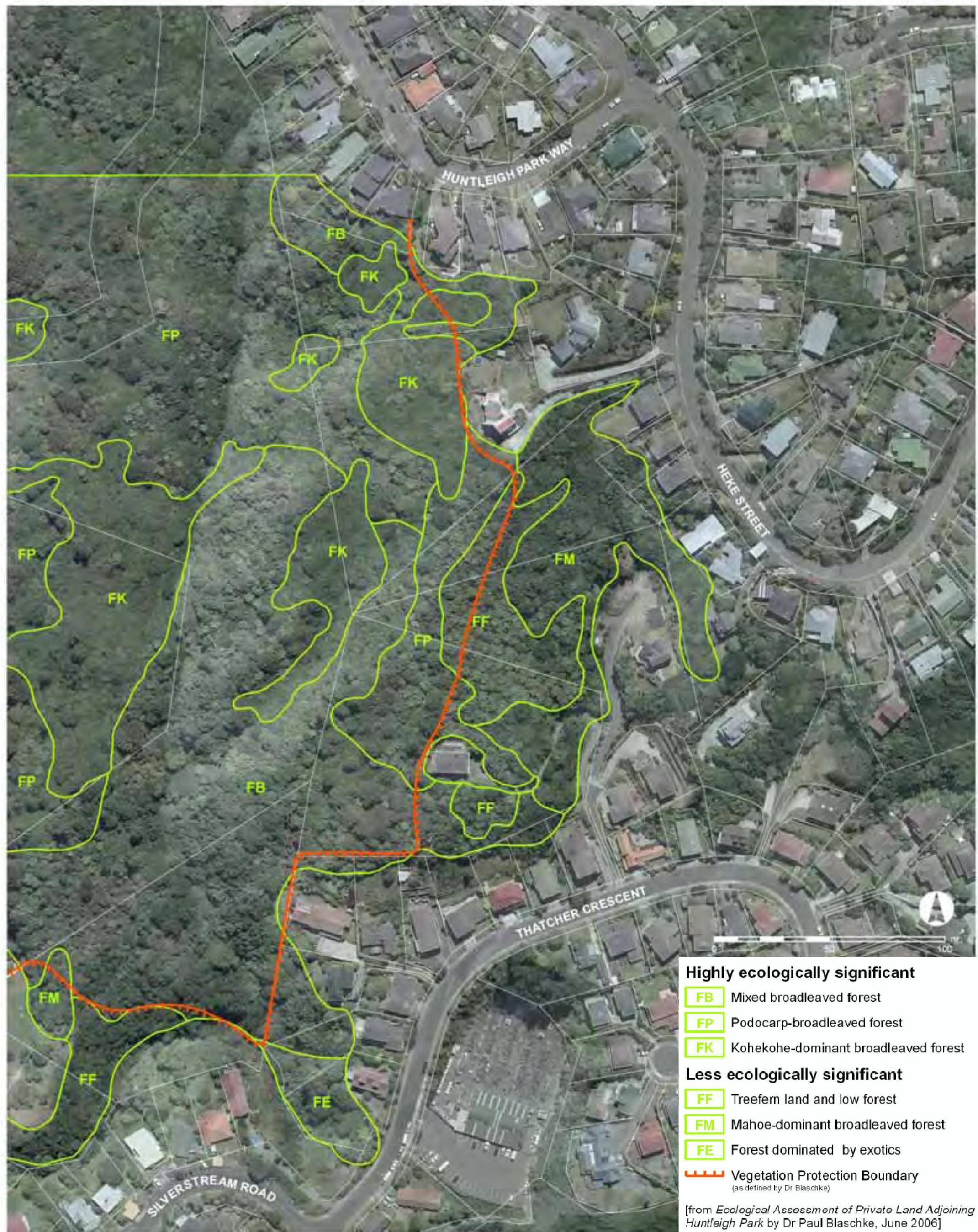
*"Large area (~15ha) of kohekohe forest which is poorly represented in the Wellington area
Good variety of regenerated vegetation types, and
Podocarp associations on the ridgetops."*
- 5.5 Adding to the forest through permanent protection of those areas of forest on private land is consistent with objective (18.2.1) and policies 18.2.1.1 – 18.2.1.4. The explanation on methods clearly endorses a variety of approaches to be used.
- 5.6 In terms of the Conservation zoning, QE2 Open space Covenants are recommended as the best mechanism for protection for the areas of private land. Ideally, the same forest protection mechanism should be utilized on all those properties where additional residential building sites are created. On the land that would become Outer Residential, a vegetation protection rule could be introduced, which would require landowners to apply for a resource consent for any development. This would mean any development proposed by each landowner could be assessed on its merits. The most important aspect of the entire rezoning exercise in terms of the forest remnant is that permanent protection and management of much of the remnant currently without any form of protection is achieved.
- 5.7 The proposed rezoning of the five properties from Rural to Outer Residential with controls on the number, location and design of additional residential dwellings on these properties, combined with permanent protection of the balance of the forest area outside the boundary shown on Figure 4 would achieve potential gains for both landowners involved and for the Council in fulfilling its open space and biodiversity policies and objectives.
- 5.8 Of the two Options presented Option 1 is the most straightforward in that each owner would act independently with vehicular access provided through each owner's respective allotments.

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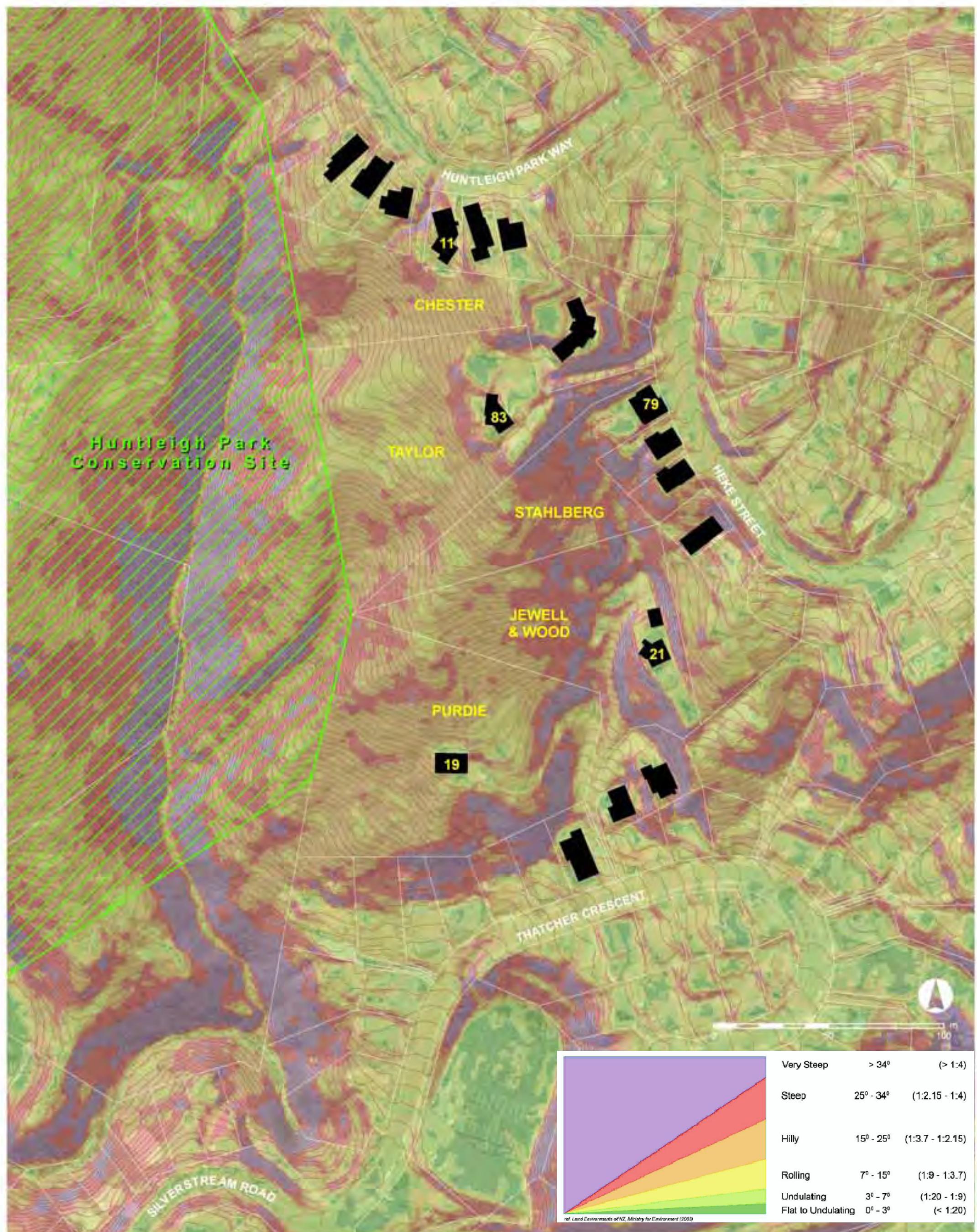
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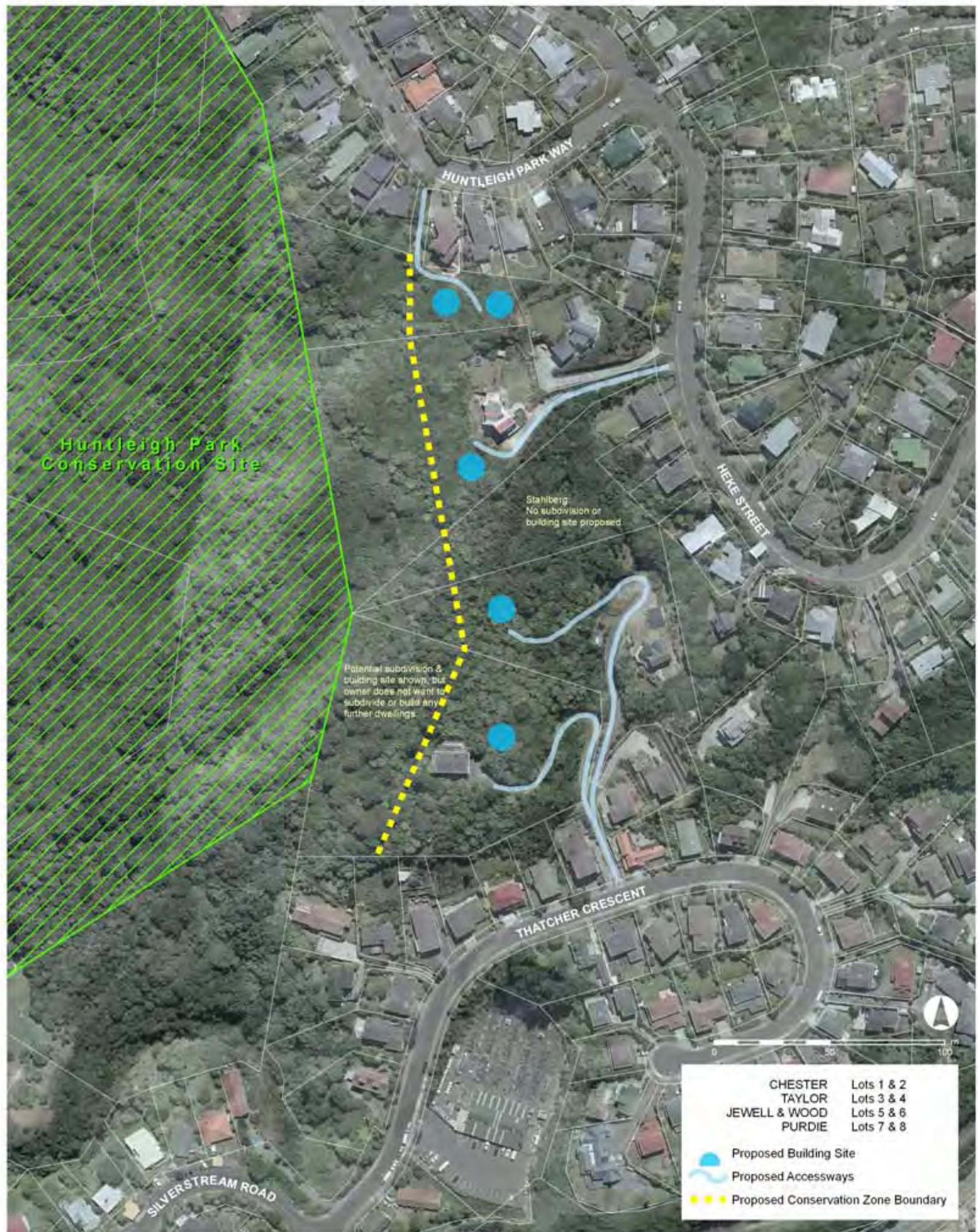
ASSESSMENT OF RESIDENTIAL DEVELOPMENT POTENTIAL HUNTLIGH PARK ENVIRONS, NGAIO

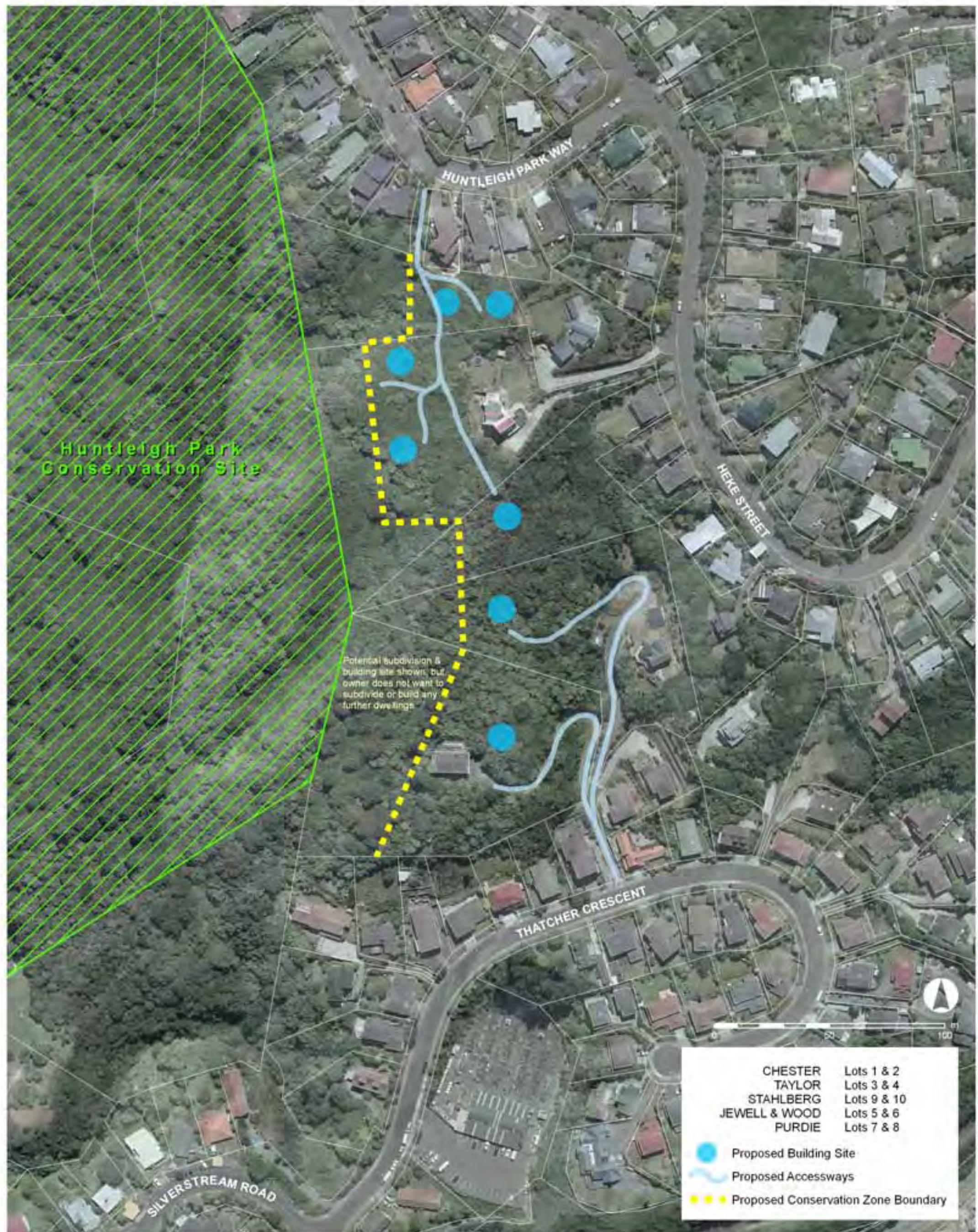


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