
REPORT 2
(1215/11/IM)

DECISION ON DISTRICT PLAN CHANGE 54 - REZONING OF 178 AND 180 OWHIRO BAY PARADE FROM RURAL TO OUTER RESIDENTIAL AND DISTRICT PLAN CHANGE 55 - REZONING OF THE EX-OWHIRO BAY QUARRY SITE FROM RURAL TO OPEN SPACE B

1. Purpose of Report

To report the recommendations of the District Plan Hearing Committee concerning District Plan Change 54 – Rezoning of 178 and 180 Owhiro Bay Parade from Rural to Outer Residential and District Plan Change 55 – Rezoning of the ex-Owhiro Bay quarry site for Rural to Open Space B.

2. Recommendation

It is recommended that Council:

- 1. Receive the information.*
- 2. Approve the recommendations of the District Plan Hearing Committee in respect of District Plan Changes 54 and 55 as set out in Appendix 1 to this report.*

3. Background

The Council acquired the Owhiro Bay Quarry site in 2000, and since that time has been working towards the restoration of the natural coastal values of the site, and the development of the area as the gateway to the South Coast.

Proposed Plan Change 54 seeks to rezone two parcels of land that are located at the entrance to the ex-quarry site, from Rural to Outer Residential. The proposed Residential zoning includes a package of other non-regulatory measures attached to the titles of the land that will place greater constraints on building than anticipated by the normal provisions for Residential Areas under the District Plan.

Proposed Plan Change 55 seeks to provide for the long term recreational and conservation use of the wider ex-Owhiro Bay Quarry site, by rezoning the land from Rural to Open Space B.

Proposed Plan Changes 54 and 55 were publicly notified 1 March 2007. Six main submissions and eight further submissions were received in respect of Plan Change 54. Three main submissions and one further submission were received in respect of Plan Change 55.

The hearing was held on 13 August 2007. Four submitters, Dr John Robinson, representatives of the Southern Environmental Association, Island Bay Residents Association and Owhiro Bay Residents Association spoke to their submissions in respect of Plan Change 54 and one submitter, from the Southern Environmental Association, spoke to their submission in respect of Plan Change 55.

4. Discussion

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared before the Committee.

In respect of Plan Change 54, the majority of the submitters and further submitters opposed the Plan Change in its entirety on the grounds that the 2 parcels should not be zoned for residential purposes and should be retained for the wider recreational use associated with the ex-quarry site. One submitter considered that the sections should be divided into 3 evenly sized lots, with the most western section used as a buffer to the car park. Another further submitter supported the zoning of No. 178 to Residential but felt No. 180 should be Open Space B.

In respect of Plan Change 55, one submitter supported the Plan Change on the grounds that the proposed Open Space zoning is appropriate. A second submitter supported the Plan Change in part but requested that the zone be changed to Open Space A, as opposed to the Open Space B proposed. A third submitter supported the Plan Change in part, but requested that 2 catchments within the area should be zoned Conservation Area (also made a further submission in support of original submission).

All of the above submissions are considered in detail in the Hearing Committee's report attached as Appendix 1.

Having considered the requirements of the RMA and the issues raised in submissions, the Hearing Committee considered that the Plan Changes were generally appropriate and that the proposed zone changes should be adopted. It is recommended that Plan Change 54 should include non-regulatory measures to be attached to the two titles; in particular these will set out design guidelines and establish covenant areas to limit the development of No 180. A plan of the proposed covenant areas is attached as Appendix 2.

The Committee recommends that further investigation and research is undertaken as to the conservation values of the Hape Stream (or Spooky Gully) catchment and the valleys above the first group of baches between Fly Rock and Pariwhero (Red Rocks). A map of these areas is contained in Appendix 3.

Once approved by Council, the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

Report from:

**Helen Tobin, Independent Commissioner
Chair, Hearing Committee**

District Plan Change 54 - Rezoning of 178 and 180 Owhiro Bay Parade from Rural to Outer Residential.

District Plan Change 55 - Rezoning of the ex Owhiro Bay quarry site for Rural to Open Space B.

REPORT OF THE HEARING COMMITTEE

SUBJECT: PROPOSED DISTRICT PLAN CHANGE 54 -
REZONING OF 178 AND 180 OWHIRO BAY
PARADE FROM RURAL TO OUTER
RESIDENTIAL

PROPOSED DISTRICT PLAN CHANGE 55 -
REZONING OF THE EX-OWHIRO BAY QUARRY
SITE FROM RURAL TO OPEN SPACE B

COMMITTEE MEMBERS: HELEN TOBIN, INDEPENDENT COMMISSIONER,
COUNCILLORS LEONIE GILL AND ROB
GOULDEN

DATE OF HEARING: 13 AUGUST 2007

1. RECOMMENDATIONS

- 1) *Approve District Plan Change 54 – Rezoning of 178 and 180 Owhiro Bay Parade from Rural to Outer Residential. The zoning to contain non-regulatory measures to place constraints on development of these titles, as discussed below.*
- 2) *Approve District Plan Change 55 – Rezoning of the ex-Owhiro Bay quarry site from Rural to Open Space B.*
- 3) *Accept or reject all the submissions and further submissions to the extent that they accord with recommendation (1) above. See sections 3.1 - 3.3 below for further details.*
- 4) *Direct Council officers to undertake the following work as a result of issues raised through submissions on proposed District Plan Change 55:*

Consider and report back to Council on the conservation values of the Hape Stream (or Spooky Gully) catchment and the valleys above the first group of baches between Fly Rock and Pariwhero (Red Rocks). See Appendix 3.

2. INTRODUCTION

These decisions relate to Proposed District Plan Change 54 – Rezoning of 178 and 180 Owhiro-Bay Parade from Rural to Outer Residential and District Plan Change 55 – Rezoning of the ex-Owhiro Bay quarry site for Rural to Open Space B.

Proposed District Plan Changes 54 and 55 were publicly notified on 1 March 2007.

Both the proposed District Plan Changes are Council initiated Plan Changes.

Plan Change 54 follows on from a 15 June 2006 Strategy and Policy Committee decision that a Plan Change be prepared and publicly notified for the rezoning of the properties at 178 and 180 Owhiro Bay Parade from Rural to Outer Residential.

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The development of Proposed Plan Change 54 included commissioning an independent landscape architect to undertake further work on the landscape effects of residential development on the two parcels of land.

The resultant Boffa Miskell Landscape and Visual Assessment Report (January 2007) recommended the consideration of mitigation measures in general aimed to:

- Implement design controls on the form and design of new buildings on the sites to ensure that they are consistent with the South Coast Management Plan and reflect the prominent residential character of the Owhiro Bay Parade¹.

Based on these recommendations, Plan Change 54 proposes several measures to be effected in conjunction with the sale of the two sites. These include a proposed covenant to protect the escarpment from development and a buffer covenant on the western boundary of 180 Owhiro Bay Parade. A plan indicating the areas to be covenanted is attached as Appendix 2. Additionally, a design brief is to be attached to the titles.

Plan Change 55 relates to the rezoning of the wider quarry site from Rural to Open Space B. Since the purchase of the quarry in 2000, restoration and re-vegetation of the land has been in progress in accordance with the Owhiro Bay Quarry Closure Management Plan. The final stage of the Quarry Closure Management Plan is the upgrade of the existing car park area to form the gateway to the South Coast. A plan showing the proposed redevelopment of this area was supplied for the Hearings Committee. Resource Consent for this work has been granted. The proposed rezoning coincides with the final stages of this work.

The Officer's Report on the Plan Changes was distributed to submitters who requested to be heard prior to the hearing.

The Hearing for the District Plan Changes was held at Council Offices on 13 August 2007.

Six main submissions and eight further submissions were received in respect of Plan Change 54. Three main submissions and one further submission were received in respect of Plan Change 55.

At the hearing on 13 August 2007, Sarah Nelson (Council's Planner) spoke to the officer's report on the Plan Changes. Bruce Duffield (Council's Urban Designer) also provided advice on the urban design and landscape aspects of the Plan Changes. Four submitters, Dr John Robinson, Southern Environmental Association, Island Bay Residents Association and Owhiro Bay Residents Association spoke to their submissions in respect of Plan Change 54 and one submitter, Southern Environmental Association, spoke to their submission in respect of Plan Change 55.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the submitters who appeared.

The following discussion sets out the key issues and the Committee's reasons for making its decision.

¹ This will be achieved by requiring an assessment against design guidelines prepared by the Council, with the guidelines implemented through the sale and purchase agreement and restriction on the certificate of titles.

3. SUBMISSIONS AND DISCUSSION

3.1 Submissions on Plan Change 54

Plan Change 54 submissions were received from:

Submitter No.	Submitter Name
1	Dr John Robinson
2	Lorraine Edwards
3	Yvonne Weeber
4	Southern Environmental Association (Wellington) Inc. (SEA)
5	Island Bay Residents Association
6	Pam Smith

Further submissions on Plan Change 54 were received from:

Submitter No.	Submitter Name
FS1	Barbara Fill
FS2	Pauline Swan
FS3	Maxwell and Heather Beauchamp
FS4	Michael Taylor
FS5	Yvonne Weeber
FS6	Owhiro Bay Residents Association
FS7	Southern Environmental Association (Wellington) Inc. (SEA)
FS8	Action for the Environment

3.1.1 General Submissions

Submitter 1, Dr John Robinson, neither supports or opposes Plan Change 54 but sought that the sections be divided into 3 evenly sized lots, with the most western section used as an open space buffer between the new lots and the carpark/visitor facilities as outlined in the Boffa Miskell Land and Visual Assessment Report (January 2007). The submitter considered that a buffer of public land is far more satisfactory than the proposed covenant and leaves future options open without any major charge on the viability of the lots which are to be sold.

Submitter 1 spoke to his submission and emphasised that he does not have an opinion on the sale of the two sections. Dr Robinson spoke of his support of the Boffa Miskell report recommending that the sections could be divided in 3. He feels this allows for further interpretation of the use of the site and increases options for that future use. Dr Robinson felt that keeping a 3rd section as an Open Space B zone is a reflection that the public good/public use has been considered by Council in its decision.

Further Submitter FS4, Michael Taylor, partly supports the Plan Change in that 178 Owhiro Bay Road should be rezoned from Rural to Outer Residential. However, in support of submitter 4, the further submitter opposes the zoning of 180 Owhiro Bay Parade from Rural to Outer Residential and considers that the section would be more appropriately zoned Open Space B. Further Submitter FS4 states that 178 Owhiro Bay Parade is more or less the same size as other the adjacent sections (e.g. 176). The proposed design controls and covenant will protect the landscape and the effects are comparatively small, however Mr Taylor considers that the boundary between the 2

sections is a natural and logical division aligning closer to the proposed wider ex-quarry site's Open Space B zoning; therefore, the submitter believes the appropriate zone of 180 Owhiro Bay Parade should be Open Space B.

Consideration:

The Hearing Committee noted the concerns raised by these submitters.

With reference to submitter 1, the Hearing Committee accepted that the suggested subdivision of the sections into 3 evenly sized lots would avoid the use of a covenant to the western half of No. 180. However, the Committee did not consider that this was a practicable option in terms of the Plan Change. They were confident that the use of a covenant and the associated design briefs attached to the titles of both sections would provide an appropriate compromise and adequately protect the special character of the area.

With reference to further submitter F4, the Committee accepted the support of the submitter for rezoning of 178 Owhiro Bay Parade, but did not support the submitters suggested zoning of 180 Owhiro Bay Parade to Open Space B. In considering this suggestion, the Hearings Committee noted the relationship the sections have with the approved car park upgrade plan and felt that the existing surveyed boundaries formed a rational division between the residential and recreational spaces. The Committee considered that mitigation measures, in particular the proposed covenants and design controls on the form and design of new buildings would ensure that this transitional area would respect the character of both the residential and recreational spaces.

The Hearing Committee considered that Plan Change 54 should be retained as proposed. The original reasoning behind the Plan Change and its associated non-regulatory methods were considered sound.

Decision:

Reject submission 1 insofar that it requests that the sections be divided into 3 evenly sized lots, with the most western section used as an open space buffer between the new lots and the carpark/visitor facilities.

Accept further submission FS4 insofar that it supports the rezoning of 178 Owhiro Bay Parade from Rural to Outer Residential.

Reject further submission FS4 insofar that it requests that 180 Owhiro Bay Parade be zoned Open Space B.

3.1.2 Submission that opposes the sale of 178 and 180 Owhiro Bay Parade and use of the land for residential purposes

Submission 2, Lorraine Edwards, believes that public land should not be sold in order to fund beautification of an area. The submitter has conveyed that if Wellington City Council did not give away rate payers money to projects such as the MEC aquarium proposal, there would be enough money to beautify areas such as the Owhiro Bay quarry. The submitter would like to see the existing rural zoning retained.

Consideration:

The Hearing Committee noted the concerns raised by the submitter but was of the mind that the Council has already decided to sell the subject sites. It is not within the scope of the Hearings Committee's power or the Plan Change process to re-litigate the merits of that decision. The Committee noted that they could only consider the proposed zone change of the land to Residential and its actual effect on the natural and physical resources within the Owhiro Bay environment.

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The committee also noted that the 2 parcels could still be sold as Rural to a private individual. If this was the case, the potential owner would have the ability to apply for a private Plan Change to rezone the land residential.

On this basis, the Committee could not support submitter 1, as a previous decision has been made by Council to sell the two sections and her concern with the Plan Change lies outside of the scope of the Plan Change process.

Decision:

Reject submission 2 insofar that it opposes the sale of the two sections and requests that the land be retained as a Rural zone.

3.1.3 Submissions that oppose the use of the land for residential purposes

Submissions 3, 4, 5, 6 and further submissions FS1, FS2, FS3, FS5, FS6, FS7 and FS8 raised objection to the proposed zone change in that the residential use of the sections would unreasonably reduce the attractiveness of the area and natural gateway to the Southern Coast and that the Kupe/Kevin Smith Marine Reserve would be compromised. Most of the submitters believed that any development on the sections would be contrary to sections 5, 6 and 7 of the Resource Management Act (RMA) and that the land should be more appropriately zoned Open Space B.

Specifically, submitter 3 stated in her submission that the land should be zoned Open Space A, as this would allow for structures such as clubrooms to be built (further discussed in section 3.2.2 of this report). In addition, further submitter FS7 stated that much of the flat land at the end of Owhiro Bay Parade is reclaimed and likely to be diminished in the future. The further submitter states that 178 and 180 Owhiro Bay Parade is on solid ground that is not reclaimed, and therefore should be retained for public purposes and visitors.

Robert Logan spoke on behalf of submitter 4 and further submitter FS7 (SEA) and highlighted their active involvement and lobbying for the cessation of quarrying and creation of a reserve at Owhiro Bay. SEA conveyed that the 2 parcels of land are an integral part of the former quarry area and their appropriate zoning should also be Open Space B (as proposed in Plan Change 55 for the ex Quarry land). It was believed that this zoning would recognise the community expectations for the area. SEA also pointed out that the 178 and 180 Owhiro Bay are not physical sections and are only certificates of title. SEA expressed that the Boffa Miskell report was commissioned 'in support of the proposed rezoning' and was therefore ambiguous in discussing the potential effects and did not stand up to analysis.

SEA also submitted that without this land (for use in the car park facility) there would be inadequate room for growth for visitors in future years. The land to be used for the car park facility had been reclaimed would be likely to eventually wash away and therefore the subject land would be needed for public use. The submitter also emphasised his belief that the proposed rezoning was contrary to sections 5, 6 and 7 of the RMA

Ann Brunt on behalf of Submitter 5 (Island Bay Residents Association) and further submitter FS6 (Owhiro Bay Residents Association) spoke to their submissions that the land should not be zoned for residential purposes. Ms Brunt emphasised that the Officer's report had inaccurately stated that the submitters were against the sale of the 2 parcels of land as they were opposed to the use of the land for residential purposes.

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The Associations believe that the rezoning undermines the wishes of local residents as public land purchased for Open Space should not be resold as residential properties - the community should be able to exercise their stewardship of the land.

The submitters considered that the decision to sell was about short-term revenue and disregards the long-term amenity /use. Parking is already limited and climate change and sea erosion have failed to be considered. Ms. Brunt conveyed that the Boffa Miskell report suggests any building will affect the neighbourhood and falls short on a cost/benefit analysis. The submitters consider that covenants provide no confidence that development will be restricted permanently in the future and incremental changes can erode their purpose. Also, the submitters raised concern about what could potentially be built on the land, and that the type of planting might be inappropriate to the South Coast.

Consideration:

The Hearings Committee have given careful consideration to the points raised by the submitters. The Committee recognised the long and involved history of the area and the community's active involvement in the lobbying for the former quarry to form part of the South Coast Reserve. The Committee also looked at the historical role of the 2 parcels and their relationship with the former quarry use. The Committee noted that the land had been previously zoned residential under the 1984 District Scheme and at one time the land did have buildings present which were believed to be used for quarry operation purposes.

The Committee considered the submission that the 2 lots should be Open Space A. It noted that this zoning is intended to provide for more active recreational facilities and could allow for instance, larger, bulkier facilities to be built. It was not considered that this type of zoning would be appropriate..

The Committee considered SEA's point that the 2 parcels of land were not 'sections' per se and that they were only certificates of title, but did not believe that this had any bearing on their consideration of the proposed residential zoning.

The Committee had read the independent landscape report prepared by Boffa Miskell which assessed the potential landscape and visual effects of future residential development on 178 and 180 Owhiro Bay Parade. The Committee commended the Boffa Miskell report and considered it a concise and true assessment of the landscape nature of the subject land. The Committee did not accept that the report was ambiguous as it was commissioned to assess the proposed residential zoning. The Committee sought further clarification from Council's Urban Designer, Bruce Duffield, as to the rezoning's impact on the adjoining area.

Mr Duffield explained how residential development would be handled on the residential allotments proposed and what effect it would have on how visitors perceive the gateway to the south coast recreation experience. Mr Duffield explained that because that the allotments are located immediately next to the upgraded facilities and at the junction where the character of the coastal platform changes, the status of the allotments themselves and the nature of the residential dwellings that are built on them are important considerations.

Mr Duffield explained that poorly designed or overtly suburban dwellings could result in adverse landscape and visual effects. If the proposed change of zoning and subsequent dwellings built on these sites are of a scale and design that have no relationship to the coastal environment then this is going to affect the coastal character and also visitor experience. Consequently, any development on these sites should be

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carefully controlled and executed to ensure an appropriate result. Mr Duffield elaborated on possible restrictive measures that could be added to the title, such as the size, scale and bulk of structures built, appropriate types of materials and also types of planting.

The committee noted that the Plan Change proposes a covenant on the titles to protect the bush to the rear and restrict the height on any future development (consistent with the provisions for the Outer Residential zone). This area is described as 'Covenant A' in appendix 2. A second covenant (described as 'Covenant B' in appendix 2) is also noted, in that it would be placed on the western part of 180 Owhiro Bay Parade to limit development and act as a buffer between the residential and recreational spaces. The Committee also note that controls would also be exercised on the form and design of new buildings (implemented through the sale and purchase agreement and restriction on the certificate of titles). The design controls would involve preparation of a site development plan for each lot, including architectural and details showing site treatment – all of which would need to be approved by Council.

Mr Duffield concurred with the Boffa Miskell report and was also of the opinion that the proposed residential zoning will not adversely affect is part of the coast, if appropriate controls are put in place.

The Committee raised several questions with regard to the application of covenants in other parts of the City, and was advised by the Council's Property Advisor, Hanita Shantilal, that covenants and encumbrances can be very strong. In the case of 178 and 180 Owhiro Bay Parade, the owners of the land would have to apply to Wellington City Council to have the covenants removed. Given the reasoning surrounding their inclusion on the titles, any departure from their intent would have to be a strong case indeed. Ms. Shantilal discussed the recent inner city bypass covenants and encumbrances on the historic buildings within that area. She noted that those examples were very site specific, and in her opinion, there was no reason why the proposed covenants at 178 and 180 Owhiro Bay Parade could not be effective measure in preserving the special coastal character of the area.

The Committee referred to the car park plan and found the simulations helpful in providing an overall picture on how that area will look. Specific questions regarding the car park plan and the former quarry building and its relationship with the Owhiro Bay Parade residential strip were also addressed by Mr. Duffield. The Committee agreed that 2 parcels of land form the natural and logical end point for residential development, marking the point of change from Residential to the entranceway and car parking areas to the South Coast. The Committee noted that the approved car parking plan and entranceway upgrade clearly indicates that the entrance to the facility is beyond the two sections, again allowing for the transition between the residential and recreation spaces.

The Committee did not agree that the zone change is contrary to Sections 5, 6 and 7 of the RMA. The RMA promotes the sustainable management of natural and physical resources, including management of the use and development of resources to enable people to provide for their health and safety. The Committee considered that the proposed design controls placed on the materials, form and design of the potential dwellings will meet the objectives of the RMA in that they will ensure the retention of the area's coastal character. It was noted that such controls are far more prescriptive than the standard District Plan residential rules. The Committee was confident that high quality outcome can be achieved that will not compromise the coastal character, or indeed the entrance way to the area as a whole.

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In terms of the positioning of the car park facility on reclaimed land, the Committee acknowledged that resource consent was issued 24 May 2004 after consideration of the environmental effects of the development. Residential and visual amenity, traffic, contamination, drainage and construction effects were all considered, with no concern raised regarding the positioning of the facility on reclaimed land. The Committee noted that the reclamation concerned was related to a build up of land for quarry operations on the existing rocky shore. It does not accept the argument that the 2 parcels of land should be retained in case of future erosion to the car park.

The Hearing Committee considered that Plan Change 54 should be retained. The original reasoning behind the Plan Change and its associated non-regulatory methods were considered to be sound, and the Plan Change provisions remain valid. On this basis submitters 3, 4, 5, 6 and further submissions FS1, FS2, FS3, FS5, FS6, FS7 and FS8 are not supported and the Committee recommend that Plan Change 54 is confirmed as notified.

Recommendation

Reject Submission 3 insofar that it requests that 178 and 178 Owhiro Bay Parade be zoned Open Space A.

Reject submissions 4, 5, 6 and further submissions FS1, FS2, FS3, FS5, FS6, FS7 and FS8 insofar that they request that proposed Plan Change be refused and that 178 and 178 Owhiro Bay Parade be zoned Open Space B.

3.2 Submissions on Plan Change 55

Plan Change 55 submissions were received from:

Submitter No.	Submitter Name
1	Director General of Conservation (DoC)
2	Yvonne Weeber
3	Southern Environmental Association (Wellington) Inc. (SEA

A further submission on Plan Change 55 was received from:

Submitter No.	Submitter Name
FS1	Southern Environmental Association (Wellington) Inc. (SEA

3.2.1 General Submission of support

Submitter 1, DoC, supports the Plan Change to rezone the ex-quarry site land from Rural to Open Space B. The submitter stated that the existing natural character of the site and the natural character of the wider environment have the potential to be enhanced as a result of the proposed change of zoning. The proposed Plan Change has the potential to facilitate public access to and enjoyment of the coastal environment. The submitter notes that the proposed Plan Change is consistent with National, Regional and Local Coastal Policies.

Consideration:

The support of submission 1 is noted by the Committee and it is recommended that the proposed zone change of the ex Owhiro Bay quarry site from Rural to Open Space B is confirmed as notified.

Recommendation:

Accept submission 1 insofar that it supports the proposed rezoning of the ex Owhiro Bay Quarry Site from Rural to Open Space B.

3.2.2 Submission suggesting Open Space A zoning

Submitter 2, Yvonne Weber, supports the Open Space zoning but suggests that it should be Open Space A instead of Open Space B. The submitter stated that the Open Space A zoning would support the construction of structures on the site for passive and active recreational opportunities. The primary aspect of this reserve will be the development of a gateway to the southern coastline. These structures could also provide clubrooms for more active recreation, marine reserve interpretation or even a marine education facility.

Consideration:

The Committee noted that Open Space A land provides passive and active recreational opportunities. This frequently involves developed sports fields, the provision of buildings or structures (for example, squash courts, clubrooms and storage sheds) to provide support for the use of the open space playgrounds and formal parks.

On the other hand, Open Space B zoning is noted to provide for land valued for its natural character and informal open spaces and involves areas that are used for types of recreation that, in the broadest sense, do not involve buildings or structures. Most Open Space B areas are vegetated and often have ecological values or may buffer Conservation Sites.

The Committee recognised that the area portrays a very natural and rugged setting and considered that Open Space B is more hence appropriate than Open Space A as suggested by submitter 2. The overall vision for the area encompasses both formal elements (car park area) and informal elements (largely undeveloped areas and open expanses of land). It is understood, that aside from the recently approved car park upgrade facility, Council does not anticipate any further construction of buildings on the land. Accordingly, it is the Committee's position that the proposed Open Space B Area provides an appropriate balance of provision for recreational buildings/structures, with the main protection of the scenic open expanse of land and largely undeveloped natural character of the area.

Recommendation:

Reject submission insofar that it requests that ex Owhiro Bay Quarry Site should be rezoned from Rural to Open Space A.

3.2.3 Submissions suggesting new Conservation Areas

Robert Logan on behalf of Submitter 3 (SEA) spoke to their submission and highlighted their active involvement and lobbying for the cessation of quarrying and creation of a reserve at Owhiro Bay. The submitter conveyed that the zoning of the Hape Stream and catchments located above the baches near fly rock on the way to Pariwhero (Red Rocks) should be Conservation Area. This position was clarified by further submission FS1 (made by the same submitter). The submitter stated that due to the high conservation values of the catchments, they should be zoned Conservation Area. The submitter noted that the balance of the land has a lower conservation value and should be zoned Open Space B, with the aim of rezoning the land Conservation Area in the future once the slopes have revegetated.

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The Submitter spoke of their ecological assessment of the catchments and earlier detailed submission on the District Plan requesting conservation status for the site, stating that the natural regeneration during the past ten years creates an even stronger case for Conservation zone. SEA spoke of the special integrity of catchments and the high presence of indigenous vegetation that has continued to develop over the years. At the request of the Committee, Mr Logan mapped the areas on an aerial photograph of the former quarry site.

Consideration:

The Committee considered that an Open Space B zoning over the site will be the most efficient and effective means in the long term of providing for the necessary visitor facilities for the South Coast recreational area, while at the same time maintaining and enhancing this part of the coastal environment in accordance with Part 2 of the RMA, the New Zealand Coastal Policy Statement, and the objectives and policies of the District Plan.

In this regard, the Hearing Committee considered that Plan Change 55 should be retained. The original reasoning behind the Plan Change was considered sound, and the Plan Change remained valid and should be adopted as notified.

However, in making this decision, the Committee acknowledged the work that SEA have undertaken regarding the conservation values of the catchments and considered that SEA's submission provided enough grounds for further investigation into the protection of the catchments. Based on this, it is recommended that the Hape Stream catchment and catchments located above the baches between fly rock and Pariwhero (Red Rocks), as shown in the map contained in Appendix 3 of this report, are ecologically assessed and investigated for protection as Conservation Areas. If found to have conservation values worthy of the conservation zone, steps will be made as soon as practically possible to ensure these areas are notated on the District Plan

Recommendation:

Accept submission 3 and further submission FS1 insofar that it requests that balance of the ex Owhiro Bay Quarry Site should be rezoned from Rural to Open Space B.

Reject submission 3 insofar submits that the zoning of the Hape Stream and catchments located above the baches near fly rock should be rezoned from Rural to Conservation Area at this stage but recommend that further research be undertaken and reported back to Council in this regard.

3.3 Other Issues

Robert Logan on behalf of Submitter 4 and further submission FS7 (SEA) spoke to their submissions on Plan Change 54. Mr Logan stated that in light of the political and controversial decision regarding the sale and rezoning of the land, it was SEA's position that a completely independent hearing committee should have been put forward to hear the hearing. This position was also supported by Ann Brunt on behalf of Submitter 5 (Island Bay Residents Association) and further submitter FS6 (Owhiro Bay Residents Association).

The Hearings Committee would like to point out that the Hearing was chaired by Helen Tobin, an independent Commissioner. Further, the Hearings Commissioners must follow the statutory procedures set out by the Act and any decision made receives full and unbiased consideration by the Commissioners.

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Robert Logan on behalf of Submitter 3 and further submission FS1 (SEA) spoke to their submissions on Plan Change 55. Mr Logan considered that SEA should have been involved with the pre-consultation discussions that officers undertook with the Wellington Tenth Trust and Te Runanga o Toa Rangatira before notification of the Plan Change.

The Committee note that pre-notification consultation is undertaken with iwi in accordance with Clause 3 of the First Schedule of the RMA. Generally this process does not include 3rd party involvement. Wider public consultation is typically carried out under Clause 5 of the First Schedule. Iwi have the ability to comment on submissions as part of the Plan Change process if they so wish.

4. SUMMARY

With reference to Plan Change 54, it is the Hearing Committee's opinion that a Residential zoning for the sites, in conjunction with additional design controls and covenants, will be the most efficient and effective means of meeting the requirements under Part 2 of the RMA, and the objectives and policies of the District Plan. It is considered that the application of design controls and covenants will allow for appropriate development of the land, compatible with the surrounding environment (efficient use and development of natural and physical resources), while retaining the natural values of the coastal landscape, avoiding adverse impacts on the future recreational values of the proposed car park/visitor area upgrade, protecting the coastal escarpment from development, and minimising the likelihood of adverse effects for adjoining residential neighbours.

In terms of Plan Change 55, the Hearings Committee consider that an Open Space B zoning over the site will be the most efficient and effective means in the long term of providing for the necessary visitor facilities for the South Coast recreational area, while at the same time maintaining and enhancing this part of the coastal environment in accordance with Part 2 of the RMA, the New Zealand Coastal Policy Statement, and the objectives and policies of the District Plan. The Committee recommend further work is undertaken to consider and report back to Council on the conservation values of the Hape Stream (or Spooky Gully) catchment and the valleys above the first group of baches between Fly Rock and Pariwhero (Red Rocks) with a view to the protection of these valleys as Conservation Areas.

5. CONCLUSION

This report has addressed all of the submissions to Proposed District Plan Changes 54 and 55 either generally in respect of particular issues or specifically.

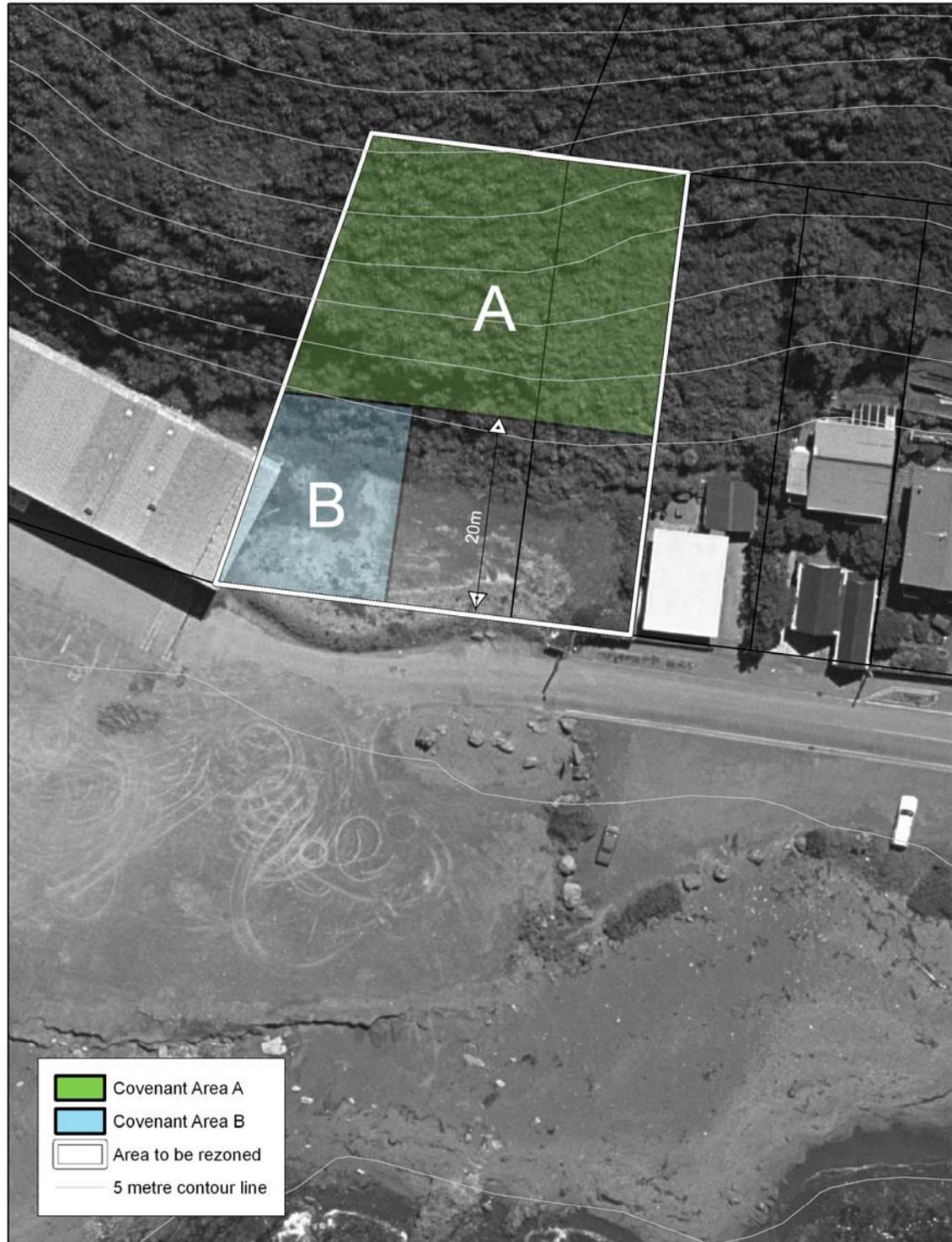
Overall, it was concluded that the Plan Changes should be recommended to Council for adoption as proposed.

Helen Tobin, Independent Commissioner Chair, Hearing Committee

District Plan Change 54 - Rezoning of 178 and 180 Owhiro Bay Parade from Rural to Outer Residential.

District Plan Change 55 Rezoning of the ex Owhiro Bay quarry site for Rural to Open Space B.

Proposed Covenant Areas



0 3.75 7.5 15 22.5 30 Meters

1:500



**Note - Map is for information purposes only - the extent of the covenant area will be finalised following the plan change, as part of the sale process of the section*

Plan Change 55 - Committee recommendation for further work as a result of submission (Southern Environmental Assn. - Submission 3)

