

# WELLINGTON CITY DISTRICT PLAN – DPC77



14

Submission form on publicly notified Proposed District Plan Change 77

Curtis Street Business Area

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

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

WELLINGTON CITY COUNCIL  
URBAN STRATEGY  
08 MAR 2013  
**RECEIVED**

**We need to receive your submission by 5pm, Monday 11 March 2013.**

YOUR NAME AND CONTACT DETAILS			
Full name	JENNIFER ANNE BOSHER		
Full address	68 CRESWICK TERRACE, NORTHLAND, WELLINGTON 6012		
Address for service of person making submission	AS ABOVE		
Email	jenny.boshier@xtra.co.nz	Phone	04-475-7220
Fax	—		

TRADE COMPETITION AND ADVERSE EFFECTS (select appropriate)
<input type="checkbox"/> I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission.
<input type="checkbox"/> I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that:
(a) adversely effects the environment, and
(b) does not relate to the trade competition or the effects of trade competitions.
Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED DISTRICT PLAN CHANGE 77 THAT MY SUBMISSION RELATES TO ARE AS FOLLOWS (Please continue on separate sheet(s) if necessary.)
<ul style="list-style-type: none"> <li>• Consistency with the purpose of the District Plan</li> <li>• The ecological values of the Creswick Valley</li> <li>• Impacts on the roading network</li> <li>• Economic impacts and social impact assessment</li> <li>• Previous use of the site</li> </ul>

**MY SUBMISSION IS THAT**

*(You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)*

Refer to attached pages

**WE SEEK THE FOLLOWING DECISION FROM THE COUNCIL** *(Please give precise details.)*

Refer to attached pages

**PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION**

- I wish to speak at the hearing in support of my submissions.
- I do not wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

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

**IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW**

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

**SIGNATURE OF SUBMITTER**

*(or person authorised to sign on behalf of submitter)*

*A signature is not required if you make your submission by electronic means.*

Signature



Date

08/03/2013

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

If you are having trouble filling out this form, phone the District Plan Team on 499 4444 for help.

FDW/CC92544

## Wellington City Council District Plan – DP7C77

Submission from Jennifer Anne Boshier

### Locus Standi of Witness

This submission is in respect of the proposed zoning change at 55 – 85 Curtis Street, Wellington, and relates to the following matters which are within my fields of technical expertise, and competency:

1. Biodiversity and landscape values of the site and its context
2. Deficiencies in the S32 Report
3. Consistency with the purpose of the District Plan
4. Previous use of the site

My qualifications in making the submission are that I have the degree of Bachelor of Engineering in Chemical Engineering from the University of Canterbury, and was, for many years, a member of the New Zealand Water and Wastes Association, now known as Water New Zealand.

I have the following experience which is directly relevant:

- Assistant Parliamentary Commissioner for the Environment from 1997 to January 2000 in which I led several environmental management systems investigations including The Management of Amenity Values within local government.
- Director in the Biodiversity Conservation Branch of the Department of the Environment in Canberra, Australia. I led a team that delivered strategic information for the *Caring for our Country* Natural Resource Management initiative such as developing the concept of resilience thinking for natural resource management, improving native vegetation and rangelands information with the collaboration of the States and Territories, and implementing market based approaches for biodiversity conservation.
- I have been a resident of the Creswick Valley for some 27 years since 1974.

### MY SUBMISSION IS THAT

The site at 55-85 Curtis Street is one of the more unusual sites in Wellington City to be considered for a business zoning.

The site's three-dimensional nature creates a unique set of circumstances within which to consider its sustainable management and to avoid remedy or mitigate effects on the natural and physical environment, where "environment" includes "people and communities".

#### **1 Opportunity created by the ecological and landscape values of the site**

The Ecological Assessment of the site identified that the escarpment on the western side of the valley, including the forest remnants, is part of an almost continuous belt of indigenous forest and is a regionally significant ecological corridor within Wellington City (page 5).

The creation of ecological corridors is an emerging trend in biodiversity conservation in Australia (see *National Wildlife Corridors Plan: A framework for landscape-scale conservation*, 2012) and also in New Zealand (see Department of Conservation, *Ecosystem Services of Protected areas and Ecological Corridors within the Kaimai-Tauranga Catchments*, 2009). The value of corridors is that they enable indigenous birds in particular to move through the landscape for reasons including needing new habitat for breeding, finding new food sources and, in the long term, for climate change reasons.

The section from Curtis Street to the Johnson's Hill reserve is narrow and as such is a vulnerable part of the whole corridor. The indigenous vegetation on the 55-85 Curtis Street site then becomes of critical importance in maintaining the integrity of the whole corridor.

The western escarpment of the site at 55-85 Curtis Street has been functioning as an ecological corridor over the past 40 years. However, since the creation of Zealandia in 1999 and the re-introduction of endangered New Zealand birds to this sanctuary, the importance of this ecological corridor has increased. The observation in July 2012 by the Ecological Assessment consultant of the presence of hihi (stitchbird) and tieke (saddleback) in the buffer vegetation, confirms the importance of this remnant vegetation as an ecological corridor.

Other native birds present in Zealandia also use this site's vegetation as a corridor to areas such as Otari-Wilton's Bush and further afield. My observation is that the native birds use the Creswick Valley as a flyway and as a result, the native birdlife in this part of Wellington City has been greatly enhanced.

The opportunity for Council to maintain and improve the ecological integrity of this corridor at its narrowest part at 55-85 Curtis Street site, is one that would be lost if any development or earthworks at or near to the western escarpment of the site is allowed to occur. Clearly, the buffer vegetation could be improved, and the site suitably managed on the western edge to improve the connectivity within the corridor.

Enhancing the ecological corridor on the 55-85 Curtis Street site would give effect to the vision statement in the Council's Biodiversity Action Plan:

"Wellington is a city that protects and restores biodiversity and proudly showcases its natural areas. It is a city renowned for its kaitiakitanga, its environmental guardianship" (Executive Summary, September 2007).

And, the Council's Long Term Plan states:

"One of our long-term goals is for Wellington to be an 'eco city', one that has an environmental leadership role and responds proactively to environmental challenges". (Executive Summary, page 22).

### **Vegetation removal**

The recommendation in the Urban Design Advice that "vegetation removal should be permitted along the escarpment provided replacement vegetation is planted..." (Urban Design Advice, section 4 Western escarpment, S32 Report) is fundamentally at odds with maintaining the biodiversity values of the

western escarpment. New plantings do not have the structural complexity of existing vegetation and would lead to a diminution of the site's biodiversity and landscape values.

### **Principle of predominance of open space**

The landscape report (Drakeford Williams Ltd) has emphasised that the landscape attributes of the site derive largely from the wider context (Page1). Discussion on the childcare centre, currently under construction, states that while the childcare centre will increase the visible built development, the building is residential in scale. Given that the vegetated backdrop to the childcare centre is land owned by the City, it is my [the consultant's] opinion that the predominance of open space over built form will remain (page 2).

It is my submission that the principle of the predominance of open space over built form should be used for the 55-85 Curtis Street site, given the regionally significant ecological values of the western escarpment that acts as the backdrop for the 55-85 Curtis Street site.

## **2 Deficiencies in the S32 Report**

The scope of two of the related technical reports is deficient.

### **Economic Assessment**

The interactions and effects of the Kelburn Shopping Centre should have been included in the scope of this report. Consideration of this centre may change the conclusions of the study.

On page 10 of the Report is the statement that "...any retailer loss [is] often quickly offset by new retail ventures." My observation is that one tenancy in the Karori Shopping Centre was vacated at the end of October 2012 and has only just been replaced with another business in late February 2013. I do not regard that as "quick".

The economic assessment purports to assert that "The higher level of activity generated on the site, the higher the likely community economic and social well-being afforded the localized community."

Dimensions of social well-being that will be increased are not discussed anywhere in this report – this statement is simply an assertion. What is the "localized community"? and how has the balance between the effects on the locality of the development and the asserted benefits in "social well-being" been assessed?

An economic analysis is not the same as a social impact assessment. The S32 Report is deficient is not including a social impact assessment of the likely social benefits from activities on this site in relation to other nearby suburban centres.

### **Transport Assessment**

The intersection of Curtis Street and Creswick Terrace was omitted from the scope of this Report. As a resident who tries to turn right from Creswick Terrace to Curtis Street, I regard the lack of visibility in

either direction onto Curtis Street due to the topography of the road, as being an existing hazard and can only foresee a greater hazard in the future with an increased flow of traffic from and to the childcare centre and any likely development at the 55-85 Curtis Street site.

There is no discussion of the cumulative effects of traffic flows on these narrow roads from traffic generated from the childcare centre and any likely development at the 55-85 Curtis Street site. Accessibility to this site is at the southern end of the site, using the same piece of road as the new childcare centre. A discussion on the cumulative effects of traffic likely to be generated by activity on the 55-85 Curtis Street site and the childcare centre in order to access the site does not seem to have been done.

The comment on page 18 that “without mitigation, motorists travelling towards Kelburn or Wellington CBD may reroute via local roads such as Randwick Road or Creswick Terrace” is not realistic. Creswick Terrace, below number 58 is far too narrow for any increase in two-way traffic flow. And driving up Randwick Road now, necessitates driving on the wrong side of the road to avoid hitting parked cars.

### **3. Consistency with the purpose of the District Plan**

#### **The purpose of the District Plan**

The proposed zoning change is inconsistent with several of the District Plan’s objectives and key directions.

The key objectives of the District Plan (page 9 S32 Report) relevant to the 55-85 Curtis Street site include the following:

- maintain a pleasant living environment in residential areas
- encourage non-residential activities (such as schools and shops) which are easily accessible from residential areas
- protect and enhance special character and heritage areas

I have not been able to find in the documentation for the proposed change in zoning of the site, an explanation of how these District Plan objectives will be implemented if the proposed zoning change is effected.

Section 6.2 (page 9 of the Executive Summary) states that “The Curtis Street Business Area plan change is consistent with and firmly founded on the District Plan policy direction of sustaining Wellington’s economy, setting, character and compact urban form”.

Despite assertions of consistency with the District Plan policy direction, it is unclear how the proposal can be deemed to meet “key directions” (on p9 of the S32 Report) such as:

### *Maintaining and enhancing amenity values*

The replacement of the existing environment, including open space, with buildings does not add to the amenity of the area.

### *Efficient use of natural and physical resources*

The proposed zoning conflicts with investment in existing suburban centres in the vicinity, and will generate new travel patterns, neither of which can be regarded as an efficient use of natural and physical resources.

*Avoiding and mitigating the impacts of hazards.* The High Voltage AC electricity transmission lines that traverse the site is a hazard already and has implications for any proposed development on the site

### *Improving standards of accessibility within the city*

The proposed zoning change and any subsequent development of the site would create new patterns of driving to shopping e.g. purchasing bulk goods at supermarkets and hardware stores are typically car-based shopping. The narrow roads in the vicinity of the site would limit accessibility and create congestion on an ongoing basis.

### *Maintaining and enhancing important open space, natural features and habitats*

The proposed zoning – removes the “Open Space B” zoning. The regional significance of the Creswick Valley remnant forest and indigenous vegetation, together with the wetlands seepage and other adjacent habitats risk being compromised by the proposed zoning change and any likely development on the site.

### **Rationalisation of the zoning**

The justification for changing the zoning is variously described as:

- “It has been identified that this zoning does not reflect the likely future use of the land” (p3 S32 report). It is not stated who has this view. How widely in the Wellington community is this view held?
- “A business zoning is the most appropriate general land use for the site” (p3 S32 report)
- That the site is privately owned and there is a legitimate expectation on the part of the landowner that it can be developed (p7 S 32 report)

I wish to submit that the “legitimate expectation” of the landowner, if given effect through this District Plan Change, would create a situation where a buyer purchases a parcel of land, and where the current zoning of that land does not reflect their intentions for the land, a plan change could be initiated either by the land owner or the local authority.

If this action was to become prevalent, it would bring the integrity of the local authority's District Plan into serious question. There is documentation from the Council in the late 1980s clearly showing that for this site, it was sold on a 'buyer beware' basis.

It is the existing zoning that sets out the "legitimate expectation" about land use on this site. It was presumably a considered judgement by Council about the sustainable use of the land. It is not clear in the S32 documentation that anything has changed other than the owner's aspiration for the site.

"...some indication of demand for commercial use" (Section 4, page 7) is not the basis for determining sustainable management. Just because a land owner has an idea for a parcel of land does not mean that it satisfies the Resource Management Act Part 2 matters including maintaining and enhancing amenity values and avoiding, remedying and mitigating the impact of hazards.

#### **Potential impacts on amenity values**

"Local residents have highlighted potential impacts on residential amenity if particular commercial activities establish on the site or are not properly managed" (S32 Report, page 13).

Section 5 of the Resource Management Act 1991 specifies obligations to avoid, remedy or mitigate effects on natural and physical resources where "environment" includes "people and communities".

In this case avoidance is the preferred option for local residents not management.

#### **4 Previous use of the site**

I have lived in a house in Creswick Terrace above 55 – 85 Curtis St since 1974. The southern end of the site was only used by Council for small-scale uses such as storage of some pipes, some road aggregate and there were only a few containers and storage bins. To describe the use as "industrial" is not accurate, according to my observations over the years.

At some stage, recycling bins were installed at the southern end of the site for use by local residents. The only nuisance to nearby residents, including my family, was the collection of the glass from the relevant bin when very sudden, and very loud, crashes of breaking glass could be heard at our house.



**I SEEK THE FOLLOWING DECISION OF COUNCIL:**

The Proposed Plan Change 77 to be declined, as it is inconsistent with the key directions of the District Plan, and the S32 Report is deficient.

If the proposed Plan Change 77 is not declined, then the following amendments are sought in the objectives and policies for DP77, as outlined in the document "Proposed District Plan Change 77: Curtis Street Business Area".

35.2.1.5 Delete, as this is inconsistent with objective 35.2.3

35.2.2 Amend , ...high quality **neighbourhood-scale** environment (ie delete 'urban')

35.2.3 Amend, To **promote and retain** the residential character, landscape and ecological values of Creswick Valley

35.2.3.1 Amend, Design buildings, structures and spaces in the Curtis Street **Neighbourhood** Business Area to maintain the integrity of the wider landscape, **the predominance of open space over built form**, and the residential setting.

35.2.3.3 Amend, **Retain** the trees and vegetation along the western edge of the area adjacent to Old Karori Road

35.2.3.4 Delete

35.2.3.5 Amend, Ensure that earthworks **are not constructed into the western edge of the area adjacent to Old Karori Road**

**Insert new section:**

**35.2.3.8 Protect and enhance that part of the ecological corridor from Zealandia to the mouth of the Kaiwharawhara Stream, present on this site, including the western escarpment together with the associated buffer vegetation.**

35.2.4 Amend, To **protect and enhance** the amenity of adjacent residential areas from activity and development **that is at a neighbourhood scale.**