

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

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

YOUR NAME AND CONTACT DETAILS

Full name **JENNIFER HOLMES & MICHAEL HOLMES (joint submission)**

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Address for service of person making submission **As above**

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TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

I **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.)*

General comments mainly about the validity of the economic and transport assessments underlying the Proposed District Plan Change 77, but also more generally about the expectations of the landowner, the timing of the Plan Changes given District Plan Change 73 is still subject to Environment Court appeals, and the reverse sensitivity implications on Plan Change 77 of the childcare facility currently under development.

Specific comments on the Plan Change Document:

- Section 3.10 – Definitions
- Section 35.1 Introduction
- Section 35.2 Curtis Street Business Area Objectives and Policies. Specifically, 35.2.2, 35.2.4, 35.2.5, 35.2.10
- Section 36 Curtis Street Business Area Rules and Standards. Specifically, 36.3a, 36.3b to d, 36.4, 36.6e, 36.6.o.i, 36.6.o.ii to v

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.)

General Comments

Economic Assessment

The purpose of the proposed re-zoning of 55 to 85 Curtis Street (“*the site*”) is based in large part on economic factors. Specifically, the perceived increased demand for commercial activity and commercial-use land in Wellington’s western suburbs, as assessed by Property Economics and the Wellington City Council.

The Property Economics report (October 2012) is Karori-centric, excludes neighbouring Centres such as Crofton Downs, Northland and Johnsonville. As such, it does not give an overall view of commercial activity demand versus supply for the western suburbs as a whole.

An analysis of the commercial-use proposals for the Curtis Street site over the last 15 years seems to be missing. For example, the number of proposals received and their nature.

Both factors call into question the validity of the economic conclusions drawn (ie: whether there is a real and currently unmet increased demand for commercial activity and commercial-use land in Wellington’s western suburbs, and consequently the purpose of the proposed re-zoning.

Transport Assessment

The transport assessment and its conclusions are misleading and unfit for purpose, for the following reasons:

1. The scope of the study undertaken by Opus is too narrow to accurately represent the traffic implications of the proposed re-zoning. It covers Chaytor and Curtis Streets and Old Karori and Whitehead Roads only and excludes other key roads (likely routes / “rat-runs” to and from the site) in the vicinity, such as Randwick Road and Creswick Terrace.

Randwick Road is a residential street with on-street parking on both sides. It is not designed for and does not have the capacity to support the increased traffic volumes or vehicle sizes that would likely result from a commercial centre on Curtis Street. In addition, the intersections with Curtis Street and Northland Road are already difficult in terms of road safety and wait times.

The potential impacts of increases in traffic volumes and of heavy-vehicle traffic (eg: construction vehicles) on this road and others like it must be assessed to gain a full enough picture. **Note:** construction traffic from the new childcare centre build has already impacted on Randwick Road, causing unacceptable disruption and hazards.

2. Much of the data on which the underlying analyses are based are out-of-date and/or incomplete. For example:
 - the traffic data were collected during a single four day period in September 2012 (Saturday 22 September to Tuesday 25 September 2012)
 - weekday trip generation data for bulk retail use are from surveys undertaken between 2006 and 2007 in three sites located in Christchurch and Auckland North Shore
 - weekend trip generation data for the same was based on surveys between 1993 and 2004.
 - no weekend trip generation rates for industrial land use were available
 - no car parking data for weekday bulk retail use.
 - no data associated with out-of-hours servicing.
 - intersection service level data / analyses which exclude key intersections. For example, the Randwick Road and Curtis Street intersection, and the Randwick Road and Northland Road intersection. Service levels at both will likely be heavily impacted, even with the

proposed mitigations for Curtis and Chaytor Streets.

- the intersection service level analyses are based on each type of land-use (industrial, bulk retail and service retail) being treated separately as its own scenario even though it is possible the site may include a combination of activities

Other General Comments

- The key resource management issue – rationalisation of zoning section refers to there being a legitimate expectation on the part of the landowner that the site can be developed. On what basis is this expectation deemed legitimate?
- The Section 32 Report explains that District Plan Change 77 is needed to separate proposed changes from those in District Plan Change 73 because the latter is still subject to Environment Court appeals. Why is Plan Change 73 still subject to Environment Court appeals? Should the appeals process not be allowed to run its course before any further work on and decisions about the re-zoning of this site?
- The proposal to re-zone the site seems at odds with the recent development of a childcare facility next door. The Plan Change Document refers (35.2.6.2) to “discouraging sensitive activities from establishing in the site to avoid conflicts with commercial activities encouraged for the area and only allow for these to establish where reverse sensitivity effects can be properly avoided, remedied or mitigated.”

Specific Comments: Plan Change Documents

Section 3.10 Definitions. This section is incomplete and should include definitions for the following:

- Adjacent Residential Areas (35.1)
- Residential Areas (35.2.5)
- Temporary Activities (35.2.1)
- Creswick Valley (35.2.3)
- Significant Adverse Impacts (35.2.4)
- Significant increase in traffic (35.2.5)
- Unsatisfactory parking arrangements (35.2.5)
- Adjoining Roads (35.2.5): the definition should include identification of these by name.
- External Road Network (35.2.5)

In addition, it is not clear where activities such as farming and slaughter houses fit within the existing definitions (for example, are these commercial activities?). These activities should be explicitly included or excluded.

Section 35.2: general comment. There are several instances in defining the Objectives and Policies where “ensure” has been used when “require” would seem more appropriate. For example, 35.2.10.1 and 4.

Section 35.2.1 (explanation): as per the comments made above, the “demonstrated demand” for commercial and employment activity” needs to be confirmed before this sentence holds true. It should be reviewed in light of any additional economic analyses undertaken.

Section 35.2.2: this section is about promoting the creation of a high quality urban environment. Reference should be made to “ensuring the adverse impacts on the surrounding community are minimised”.

Section 35.2.4 (explanation): discusses public and limited notification, and the lesser number of “non-notification / service provisions”. A summary of table of how notifications apply would be helpful to avoid having to cross-refer to Section 36 (Rules and Standards).

Section 36.3(a): No limited notification with respect to infringement to activities standards 36.6(g), 36.6(i), 36.6(j) or 36.6(l) seems at odds with the intent set out in Section 35. This should be reviewed.

Sections 36.3(b) to (d): Council's discretion should explicitly list noise along with traffic generation, circulation and safety etc... It is insufficient to have noise covered by the catchall phrase at the end of each of these sections.

Section 36.4, Retail and Commercial Activities. A full noise assessment (including out-of-hours servicing limitations) should be stated as being required.

Section 36.6(e): final bullet should read "a **full** transportation assessment for the moving of fill on or off site", for the avoidance of any confusion.

Section 36.6(o)i: what does the acronym HFSP mean?

Section 36.6(o)ii to v: these statements refer to "except for the storage, use or handling of Liquid Petroleum Gas..." What are the rules and standards in relation to LPG? Are these covered elsewhere? If so, an appropriate cross reference should be included.

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

Commission the following before proceeding with the next steps in the Plan Change Process:

- further economic analysis to validate or otherwise the perceived increase in demand for commercial activity in the western suburbs
- an additional and wider-scoped transport assessment to fully determine the potential impacts on the surrounding road network. Specifically, the scope to include Randwick Road and Creswick Terrace, and other likely 'rat-runs'.
- a full impact versus benefits analysis of the proposed rezoning of the Curtis Street site, incorporating the above assessments.

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

We **do not** wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

Yes, we 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

No, I have not attached extra sheets.

SIGNATURE OF SUBMITTERS

(or person authorised to sign on behalf of submitter)

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

Electronically Signed by:
Jenny Holmes & Michael Holmes

Date 7 March 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.