



Summary of submissions
Proposed District
Plan Change 61

Rezoning of land off Huntleigh Park Way,
Heke Street, & Thatcher Crescent (Ngaio)
from Rural Area to Residential (Outer)

21 February 2008

Summary of Submissions

District Plan Change 61 – Rezoning of Land off Huntleigh Park Way, Heke Street, & Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer)

- Submitters -

The list below contains the names and contact information for submitters on Plan Change 61.

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2	Jeanette Sertsou	18 Huntleigh Park Way	Ngaio	Wellington	
3	Thomas Stahlberg	79 Heke Street	Ngaio	Wellington	
4	Paul Guiniven	19 Allen Terrace	Tawa	Wellington	
5	Yao Liu	12 Silverstream Road	Crofton Downs	Wellington	
6	Andrew Bray	4a Jacobsen Lane	Ngaio	Wellington	
7	Amanda Caradus	63 Heke Street	Ngaio	Wellington	
8	Diana Fulton	22a Trelissick Crescent	Ngaio	Wellington	
9	John Fulton	22a Trelissick Crescent	Ngaio	Wellington	
10	Yvonne Legarth	P.O Box 11-060	Wellington		
11	Paul Jackman	109 Heke Street	Ngaio	Wellington	
12	W. J. Orsman	14 Winston Street	Crofton Downs	Wellington	
13	Susannah Sturzaker	51 Spencer Street	Crofton Downs	Wellington	
14	Mrs K. J. Bergner	10 Silverstream Road	Crofton Downs	Wellington	
15	Stuart Cudby	58 Heke Street	Ngaio	Wellington	
16	Rachel Palmer	66 Spencer Street	Crofton Downs	Wellington	
17	Anthony & Mary Lines	7 Trelissick Crescent	Ngaio	Wellington	
18	Graeme Doherty	8 Huntleigh Park Way	Ngaio	Wellington	
19	Janice Ellen Lowe	54 Izard Road	Kandallah	Wellington	
20	Jonathan Cobb & Emma Samson	73 Spencer Street	Crofton Downs	Wellington	
21	Ngaio Progressive Association	1 Jacobsen Lane	Ngaio	Wellington	Attn:David Hedgley
22	Alan & Sheila Wills	14b Doris Gordon Crescent	Crofton Downs	Wellington	
23	John Moore	62 Spencer Street	Crofton Downs	Wellington	
24	Gillian Gray	43a Kenya Street	Ngaio	Wellington	
25	George Spencer	16 Spencer Street	Crofton Downs	Wellington	
26	B W Clark	5 Doris Gordon Crescent	Crofton Downs	Wellington	
27	Lorraine Phillips	31 Trelissick Crescent	Ngaio	Wellington	
28	Sumitra & Tapas Sarkar	23b Thatcher Crescent	Crofton Downs	Wellington	
29	Frederick Easther	59 Silverstream Road	Crofton Downs	Wellington	
30	Dorothy Easther	59 Silverstream Road	Crofton Downs	Wellington	
31	Mr Simon Del Favero	39 Silverstream Road	Crofton Downs	Wellington	
32	Ron V. & M. J. Chapman	18 Silverstream Road	Crofton Downs	Wellington	
33	Colin Walker	31 Everest Street	Kandallah	Wellington	
34	Hilary Harper	42a Thatcher Crescent	Crofton Downs	Wellington	
35	New Zealand Business Roundtable	C/- Roger Kerr	Level 12, The Baylees Building	Cnr Lambton Quay & Brandon Street	Wellington

36	Ken & Rose Rigarlisford	16 Thatcher Crescent	Crofton Downs	Wellington	
37	Mark Tammett	28 Brockworth Place	Riccarton	Christchurch	
38	Edith & Clive Robinson	18 Thatcher Crescent	Crofton Downs	Wellington	
39	Murray Harrison	20 Thatcher Crescent	Crofton Downs	Wellington	
40	Gregory & Jocelyn Knight	47 Heke Street	Ngaio	Wellington	
41	Deborah Lynch	7 Huntleigh Park Way	Ngaio	Wellington	
42	Paul Van Dinther	29 Napuka Road	Henderson	Auckland	
43	Daniel Aguilar	9 Gosford Drive	Botany Downs	Auckland	
44	Elijah Lineberry	159 Portland Road	Remuera	Auckland	
45	Mark A Walsh	231 Mt Eden Road	Mt Eden	Auckland	
46	Fred Stevens	252 Spencer Road	Lake Tarawera	RD5	Rotorua
47	Lance Davey	6 Robinson Crescent	Palmerston North		
48	Peter Kermode	Level 26	151 Queen Street	Auckland	
49	G. K. Clark	15 Poripori Road	RD1	Lower Kaimai	Tauranga
50	Peter Smale	7/11 Castle Drive	Epsom	Auckland	
51	Peter Osborne	51 Cliff View Drive	Green Bay	Auckland	
52	Paul Marketing Sevices	P.O Box 9240	Addington	Christchurch	Attn: Barry Paul
53	Lindsay Mitchell	30 Nikau Street	Eastborne	Wellington	
54	Cathy Wood & Jeff Jewell	21 Thatcher Crescent	Crofton Downs	Wellington	
55	Patrick Ward	37 Cavendish Square	Strathmore Park	Wellington	
56	Mrs Mary Ward	37 Cavendish Square	Strathmore Park	Wellington	
57	Brian & Linda Dawkins	53 Heke Street	Ngaio	Wellington	
58	Helen Fisher	10 Winston Street	Crofton Downs	Wellington	
59	John McGregor	15 Trelissick Crescent	Ngaio	Wellington	
60	Dr John Mosley	15 Thatcher Crescent	Crofton Downs	Wellington	
61	Bruce Shelly	30 Silverstream Road	Crofton Downs	Wellington	
62	Annie Brown	62 Heke Street	Ngaio	Wellington	
63	Jean Galloway	43 Spencer Street	Crofton Downs	Wellington	
64	Julia Dudfield	47 Silverstream Road	Crofton Downs	Wellington	
65	Paula Carryer	61 Spencer Street	Crofton Downs	Wellington	
66	Robert & Janet Thompson	56 Kenya Street	Ngaio	Wellington	
67	Ricci Harris	P.O Box 7343	Wellington		
68	Bernard Darnton	198 Whites Line East	Waiwhetu	Lower Hutt	
69	Craig Milmine	30 Quigley Street	Newlands	Wellington	
70	Friends of Tawa Bush Reserves	C/- L. Fraser Jackson	77 Larsen Crescent	Tawa	Wellington
71	Brian Scantlebury	P.O Box 268	Tauranga		
72	Peter Cresswell	11 Castle Drive	Epsom	Auckland	
73	Kirsten Jensen & Graeme Clark	73 Heke Street	Ngaio	Wellington	
74	Dianne Stanley	19 Thatcher Crescent	Crofton Downs	Wellington	
75	D. & L. Hingston, W. Stockwell	85 Heke Street	Ngaio	Wellington	
76	Faye Rodgers	15 Tilley Road	Paekakariki	Wellington	
77	Roberta Loretto	15 Huntleigh Park way	Ngaio	Wellington	
78	Forest and Bird	Wellington Branch	P.O Box 4183	Wellington	Attn: Marc Slade
79	John & Pauline Swann	47 Mairangi Road	Wadestown	Wellington	
80	Terrence & Aileen Martin	21 Huntleigh Park Way	Ngaio	Wellington	
81	Kathleen Mitchell & Beverley Evans	27 Thatcher Crescent	Crofton Downs	Wellington	
82	C.R. Wylie & S.J. Lungley	43 Huntleigh Park Way	Ngaio	Wellington	
83	Trelissick Park Group	35a Trelissick Crescent	Ngaio	Wellington	Attn: Malcom McDonald
84	Roger & Julia Sparks	44 Spencer Street	Crofton Downs	Wellington	
85	Gordon Purdie	19 Thatcher Crescent	Crofton Downs	Wellington	
86	Otari-Wilton's Bush Trust	C/- Phil Parnell	93 Amrimsar Street	Kandallah	Wellington
87	Jane Hay	3b/25a Marion Street	Te Aro	Wellington	

88	Anna Adams	31 Spencer Street	Crofton Downs	Wellington	
89	Keith Rodgers	15 Huntleigh Park Way	Ngaio	Wellington	
90	George & Jane Bellhouse	23a Thatcher Crescent	Crofton Downs	Wellington	
91	N. Campbell & M. Creamer	9 Huntleigh Park Way	Ngaio	Wellington	
92	Diana Dallas	36b Thatcher Crescent	Crofton Downs	Wellington	
93	John While	55 Calcutta Street	Kandallah	Wellington	
94	Blair Morgan	20 Silverstream Road	Crofton Downs	Wellington	
95	Action for Environment Incorporated	PO Box 10-030	Wellington	Attn: Dr Janet Warren	
96	D. Chester & S. Kubala	C/- Hazelton Law	Level 3, 101 Molesworth Street	Thorndon	Wellington
97	Gary & Peggy Taylor	C/- Hazelton Law	Level 3, 101 Molesworth Street	Thorndon	Wellington
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99	Kevin Kilkelly	85 Farnham Street	Wellington		
100	Bruce Kelly	13 Huntleigh Park Way	Ngaio	Wellington	
101	Mrs Kathleen Kelly	13 Huntleigh Park Way	Ngaio	Wellington	
102	Christopher & Lorna McCallum	14 Huntleigh Park Way	Ngaio	Wellington	
103	V.R., J.A. & B.A. Lewis	19 Huntleigh Park Way	Ngaio	Wellington	
104	J. Douglas, J. Stanton & K. Curry	10 Cavalry Close	Crofton Downs	Wellington	
105	Donald Haw & Carolyn Hume	8 Cavalry Close	Crofton Downs	Wellington	
106	Katherine Ward	48 Downing Street	Chartwell	Wellington	
107	Jane Harding	71 Wilton Road	Wilton	Wellington	
108	Kim Oelofse & Jason Bull	33 Spencer Street	Crofton Downs	Wellington	
109	Jerry Ball	29 Chelmsford Street	Ngaio	Wellington	
110	Ann Ball	29 Chelmsford Street	Ngaio	Wellington	
111	Kay & Raymond Hukins	1 Chevalier Way	Crofton Downs	Wellington	
112	David & Margaret Allison	12 Spencer Street	Crofton Downs	Wellington	
113	Denis Frizzell	9 Spencer Street	Crofton Downs	Wellington	
114	John & Robyne Sowerby	17 Doris Gordon Crescent	Crofton Downs	Wellington	
115	Denise Brown	44a Gaya Grove	Ngaio	Wellington	
116	Allan Levett	12 Winston Street	Crofton Downs	Wellington	
117	Greater Wellington Regional Council	P.O Box 11-646	Wellington	Attn: Ling Phang	
118	Rob Ogilvie & Michelle Lawrence	38 Thatcher Crescent	Crofton Downs	Wellington	
119	Wellington Botanical Society	P.O Box 10-412	Wellington	Attn: Bev Abbott	

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1. General Submissions

1.1. General support for the plan change

Submission 41

The submitter supports the Council provisions under Plan Change 61(DPC61).

Decision Requested:

Approve DPC61 as notified.

Submission 70

The submitter strongly supports the plan change. It is recognised that community attitudes around Wellington have changed in recent years with respect to the need to protect native bush in the city – this plan change includes a new method of achieving this. The submitter also states that there is a need for this degree of attention in numerous areas around the city and Council should implement similar strategies to protect the ecologically significant bush throughout Wellington.

Decision Requested:

That Council approve DPC61 – in addition, Council should consider broader protection of similar areas in other parts of the city.

Submission 80

The submitter supports the plan change provided development is limited to the 'indicative residential building sites', and the restrictions on bush clearance.

Decision Requested:

Approve DPC61 in accordance with rules 5.1.13, 5.4.10 and Appendix 25.

Submission 91

The submitters support the plan change in principle but are concerned that any residential development adjacent to their property at 11A Huntleigh Park Way may detract from the pleasant aspect enjoyed from their private outdoor living area to the rear of their property.

Decision Requested:

The submitters request that the re-zoning proceed, with provisions ensuring that any dwelling on 11A Huntleigh Park Way is not visible from the rear of their property at 9 Huntleigh Park Way. This may be achieved, for example, by maintaining a stand of bush between the submitter's boundary and the dwelling and/or by height restrictions on the dwelling.

Submission 104

The submitters support the plan change as the current rural zoning is inappropriate, and the proposed provisions will restrict further residential development whilst protecting the majority of the native vegetation. The siting of the sections on the eastern side of these sections is also supported for this reason. It is also worth specifying two dwellings as some urban intensification is clearly desirable.

These properties should be a transition between the Residential Zone and Open Space. This was the intention of the original zoning and DPC61 represents a return to the original intentions.

From a transport and access perspective, 19 and 21 Thatcher Crescent are more suitable for residential intensification than 11A Huntleigh Park Way and the properties on Heke Street as they are closer to public transport and Ngaio Station.

Decision Requested:

The submitters support DPC61 conditional on standard and terms 5.4.10.1 and 5.4.10.2 being retained so that:

- One building and up to two households is permitted per section.
- Future construction is to be located within the sites indicated in Appendix 25 to the District Plan.

Submission 105

The submitters state that the original landscape should be retained as much as possible as it is ecologically significant and visually important from a wide range of perspectives. The plan change is supported as it would appear to minimise disruption to the landscape and ecology, provided Rule 5.4.10 is strictly applied and conditions are met by any development. Ideally however, the submitter would prefer that Option 1 be realised, as set out in the section 32 report ('Retain existing rural area zoning), and retain rule 5.1.13.

Decision Requested:

The submitters support the plan change, provided Rule 5.4.10 enables Council to impose strict conditions on any development.

There should be rules with respect to:

- surveyed fences which will establish development limits, protect ingress from third parties, prevent vandalism, roaming pets and prevent dumping;
- Controls on what tracks are to be constructed by whom and how they will be maintained;
- Controls on vegetation clearance;
- The proposed residential sites needing to be better defined in area and shape. The maximum area for two adjoining houses should be 1000m²;
- a detailed geotechnical review of the area needs to be undertaken prior to any development occurring on the land.

Notwithstanding the above, the submitter would prefer that Option 1 be realised, as set out in the section 32 report ('Retain existing rural area zoning), and retain rule 5.1.13.

1.2. Opposition to the entire plan change

Submission 11

The submitter objects to the plan change – specifically, the proposed further insertion of dwellings in the bush off Huntleigh Park Way.

Decision Requested:

That Council permit no further residential development in the subject sites.

Submission 30

The submitter opposes the plan change as it provides a threat to the significant native bush in the area.

Decision Requested:

That the Council withdraw the plan change, and allow no further similar development.

Submission 32

The submitter prefers the current zoning which would allow only one dwelling per site. Further, the area has been recognised in Council reports as being of high ecological importance - as a result, the submitter believes the area more appropriate for Conservation zoning. The submitter also states a concern that no assurances are in place that vegetation clearance to be carried out according to the proposed rules.

Decision Requested:
That Council withdraw the plan change.

Submission 100

There should be no further residential development as the land is of high ecological value. The land is also an important part of the remaining 1 percent of original native forest of its type in the City, and a vital part of the bush corridor from Karori through Wilton, Khandallah, Tawa and beyond.

Council commissioned reports provide evidence that severe deleterious consequences would result from residential development. The RMA and Council policy documents (District Plan and the Biodiversity Action Plan) also support the protection of native bush of this quality.

There are insufficient safeguards in DPC61 to ensure protection of the native bush. The discretionary activity (unrestricted) category of consent (Rule 15.4.10) means that the door is left open for further development to occur in the future. There is also a lack of clarity around the size of the 'indicative residential dwelling sites' and the assessment criteria are too subjective.

Better public access to the land needs to be addressed, and this should be done through purchasing the land as part of the Huntleigh Park Reserve (and the Outer Green Belt).

Decision Requested:

1. That Council abandon the plan change and permit no further residential development on the land; and
2. Council negotiate with the current landowners to make purchases of the land as an addition to Huntleigh Park Reserve (and the Outer Green Belt).

Submission 101

There should be no further residential development of the land and the bush must be retained at all cost. The aesthetically pleasing visual impact from surrounding suburbs must be maintained. Any housing would affect the visual impact negatively and cause dieback to the bush.

The land should be zoned Conservation and the Chester land should be purchased by the Council to safeguard the highly ecologically-significant bush.

The submitter disagrees with the comment under section 7.2. Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that good public access is possible, but the Council pathway at the top of Huntleigh Park Way is inadequate. If the land was purchased by Council, provision should be made to facilitate community access through the Chester block to Huntleigh Park Reserve such as existed in the 1960s to the 1980s.

Decision Requested:

1. That no further residential development of the land be permitted;
2. That the land known as the 'Chester block' be purchased by the Council and a fair price negotiated; and
3. Provision should be made to facilitate community access through the Chester block to Huntleigh Park Reserve
Council abandon the plan change and no further residential development be permitted on the land.

Submission 106

The submitter considers the forest is significant to the view from their house, and up to six further residential units on the land would be significantly detrimental to this view. There are other new developments in the area (Downing St) where much regenerating native bush has already been destroyed. The bush contributes much to the value and character of this area and there should be no further destruction of it.

The Councils own assessments show that the land under review is ecologically significant and should be protected as much as possible.

Decision Requested:

1. The remnant native forest on the land should be protected, and the proposed re-zoning should not go ahead.
2. Rule 5.4.10 is opposed but Rule 5.1.13 is supported as it will protect the indigenous vegetation.

Submission 109

The submitter disagrees with the comment under section 7.2 Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. A more detailed analysis of this option is essential. It is the preferred option of at least 18 residents in the area and at least one of the landowners.

Consultation ought to have been wider than the 'residents in the immediate vicinity of the land' as Crofton Downs residents in the wider area value the visual amenities of the native bush. There is sufficient development occurring within the vicinity which should be sufficient for the foreseeable future.

The submitter considers that as the current rural zone provisions do not provide for any further development it is unlikely that the land would be cleared.

Further consideration needs to be given to:

- existing landowners placing forest protection covenants over the land,
- the use of indigenous vegetation clearance rules to prevent clearance of any of the land without recourse to Council;
- the land being held in private reserve, similar to 16 Silverstream Road.

Decision Requested:

1. The land should be zoned conservation, and ensuring permanent protection of the forest should be a priority.
2. No further residential development should be allowed on this land.
3. The proposed plan change should not go ahead.

Submission 110

The submitter considers that DPC61 does not protect the forest from further residential development and therefore the plan change should be refused.

Decision Requested:

1. The land should be zoned Conservation, and ensuring permanent protection of the forest should be a priority.
2. No residential development should be allowed on this land.
3. The proposed plan change should not go ahead.

Submission 111

The submitter considers the proposed development would lead to the potential destruction of approximately 25% of the bush in the Huntleigh Park area. This is confirmed by Council's own reports, including the report from ecologist, Paul Blaschke. Ensuring there are no further residential buildings will help build on an ecologically-significant remnant of the original Wellington forest.

There are no assurances that there won't be further vegetation clearance beyond the minimum required for housing and access. Council's track record at enforcing accountability in these cases has been pitiful.

The character of Crofton Downs and the district will be destroyed by the current proposal. DPC61 does not protect the forest from further residential development and therefore the plan change should be refused. As the area is steep, any building will require extensive earthworks and the required retaining walls will be an eyesore.

Decision Requested:

1. The land should remain Rural zoning in the short term and not be changed to Residential (Outer).
2. No further residential development should be allowed on this land.
3. The City Council should purchase the land as conservation land as an addition to the Huntleigh Park

conservation site, and this should be managed by the QEII National Trust.

Submission 113

The Council is considering a few residents' potential capital gain, whereas they should be considering retaining forest reserves as part of the outer town belt. This Huntleigh Park land should be purchased and form part of the recently purchased ridgeline of land from Karori to Mount Kaukau.

The bush has significant trees, fern and other native bush. Any excavation of this steep land would require massive shelves and will result in erosion. The bush will be replaced by gorse and unsightly scars.

The Council by allowing the subdivision are not being consistent with their own policy of maintaining an outer town belt and a corridor of bush/forest from Karori to Johnsonville.

Decision Requested:

The plan change is opposed and the land should be left as rural land.

Submission 114

The submitters are concerned that allowing DPC61 will result in native bush being cut down in order to make way for housing which is unimportant to the area. Housing becomes an eyesore when adjacent to or within native bush. The flourishing birdlife from Karori Sanctuary will be adversely affected, and more housing will lead to more animal predation on this birdlife. The housing will also lead to more erosion on the steep Huntleigh Park slope.

The Council in the past stated a policy to protect the Huntleigh Park Bush.

Decision Requested:

1. The plan change is opposed and the land should be left as rural land.
2. A covenant should be created whereby any housing development does not allow the removal of native bush.
3. A covenant agreement should also be applied over the land to severely restrict any necessary removal of native bush.

1.3. Council to buy area for protection

Submission 1

The submitter believes that Council should buy and protect the Huntleigh Park forest remnant as it is one of the largest and most significant in Wellington City – it should be under public ownership.

Decision Requested:

That Council buy the land affected by the proposed rezoning and protect it from future development.

Submission 24

Submitter feels that Council should preserve this bush and supporting ecologies for the future by way of covenant that does not allow for any form of building, subdivision or development.

Decision Requested:

That Council purchase the land and/or put in place a covenant so that the area can continue to regenerate.

Submission 40

The submitter states that the area is an important native forest, and parts of it should be purchased by Council.

Decision Requested:

That Council acquire public ownership of 11A Huntleigh Park Way to preserve the integrity of the native bush and provide a more accessible public access way for people walking the forest.

Submission 55

The submitter is opposed to the plan change. Further, it is stated that the significant bush in the area must be protected in perpetuity.

Decision Requested:

That Council negotiate the purchase of the land affected by the plan change and make it a reserve for the benefit of all Wellingtonians.

Submission 56

The submitter is opposed to the plan change. Further, it is stated that the significant bush in the area must be protected in perpetuity.

Decision Requested:

That Council negotiate the purchase of the land affected by the plan change and make it a reserve for the benefit of all Wellingtonians.

Submission 75

The submitters' first preference is to have the land protected and purchased for a fair price by the Council due to its special character. Destruction of the bush will result in soil run-off, loss of birdlife, and additional houses will be intrusive, and result in loss of privacy, increased litter, traffic and noise.

Decision Requested:

That DPC61 be altered to exclude any further development on 11A Huntleigh Park Way so that the bush is preserved in its entirety. To be fair to the owner of 11A Huntleigh Park Way, the Council would need to offer to purchase the land for a fair price.

Submission 76

The submitter is opposed to the re-zoning of the properties as Huntleigh Park is a unique piece of remnant forest and every effort should be made to preserve it. Any earthworks and development will ruin the properties forming part of the plan change as well as the rest of the bush reserve.

Decision Requested:

That the undeveloped land on these properties be permanently protected by conservation zoning and purchasing by Council.

Submission 77

The submitter considers that the land is of high ecological and visual significance. The plan change does not adequately protect the forest from further residential development and does not provide surety for other landowners adjacent to the area, or to the wider community.

Decision Requested:

1. That DPC61 not be approved.
2. That no further residential development be permitted on this land regardless of the zoning.
3. That Council negotiate with landowners to buy the land and ensure permanence protection of the forest.

Submission 78

The submitter is opposed to further development on 11A Huntleigh Park Way, but also recognises that not providing an indicative residential building site would impose a high cost on the owner of the property.

Decision Requested:

If further development is to occur on 11A Huntleigh Park Way, the adverse effect should be mitigated by the indicative residential building site being restricted to one household unit and the land purchased by the Council.

Submission 79

The submitter considers the land is inappropriate for further residential development due to its conservation and landscape value, and the likely impact further development would have on the mature forest. The Plan change also breaches the undertakings contained in the Biodiversity Action Plan.

Decision Requested:

1. That the Plan Change should be declined; and
2. That Council negotiate with the landowners to subdivide off their current dwellings and zone them Outer Residential Area, and
3. That the balance land be re-classified as 'Scenic Reserve' and become an extension of Huntleigh Park.

Submission 82

The submitters consider the land to be inappropriate for further residential development due to its conservation and landscape value, and are opposed to the change from Rural to Outer Residential zoning.

Decision Requested:

1. That the Plan Change be declined.
2. That Council negotiate with the landowners to subdivide off their current dwellings and zone them Outer Residential Area with the conditions outlined in the DPC61; and
3. That Council buy the remaining land, adding it to Huntleigh Park with a zoning of 'Scenic Reserve'.

Submission 83

The submitter does not support further residential building sites or clearance of the existing bush on any of the 5 properties, but would support any proposal by Council to purchase the land. This is because:

- further development can affect the streams in Trelissick Park;
- Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;
- It is an important bird corridor between Khandallah Park and Otari Wilton's Bush as well as an important ecological corridor to the harbour, Trelissick Park and the outer green belt.
- The removal of vegetation and consequent effect on the adjoining forest would run contrary to the Council approved Biodiversity Action Plan.

Decision Requested:

Amend DPC61 to allow no further residential building sites or clearance of the existing bush of the 5 properties.

Alternatively, a secondary position would be to allow one indicative residential building site' with associated access driveway on the undeveloped land at 11A Huntleigh Park Way, with the following amendments:

1. The overall height of such a residence should be a maximum of 8m.
2. Indicative residential building site should be defined
3. The maximum area of the indicative residential building site including the area for landscape architecture and outbuildings/structures in 5.4.10.1 and 2 should be defined. We suggest 450m².
4. In 5.4.10.3, vegetation clearance and earthworks beyond the above 450m² area should be prohibited.
5. Maximum clearance width of bush for the purposes of constructing an access driveway should be 5m.
6. Development should be in accordance with Council's recently updated draft Code of Practice for Land Development.

Submission 84

Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City, and is a haven for several of the bird species (tui and kereru) that have returned to Karori Sanctuary. Huntleigh Park forms an important visual backdrop to the City. Allowing residential development on the fringes of the forest has the potential to threaten the flora and fauna of the area. The adverse effects of residential development in Ngaio's

'green' areas have already been acknowledged in the Ngaio Community Plan (2003).

Decision Requested:

Our preference is for the land to be purchased by the Council and administered as Conservation land.

Our second preference is for any development to be restricted to one household unit per 'indicative residential building site' as specified in Appendix 25 of DPC61, with controls to minimise damage to the adjoining forest area.

Submission 85

The submitter is opposed to further development on 11A Huntleigh Park Way, but also recognises that not providing an indicative residential building site would impose a high cost on the owner of the property. The adverse effect should be mitigated by the indicative residential building site being restricted to one household unit and purchase by the Council.

Decision Requested:

If further development is to occur on 11A Huntleigh Park Way it should be limited to one further residential unit and the land purchased by Council.

Submission 86

The submitter considers the land to be inappropriate for further residential development due to its conservation and landscape value, and is opposed to the change from Rural to Outer Residential zoning.

Decision Requested:

1. That the Plan Change be declined.
2. That Council classifies the existing residences and the land they currently occupy as Outer Residential Area with the conditions outlined in DPC61; and
3. That Council buy the remaining land, adding it to Huntleigh Park with a classification of 'Scenic Reserve'.

Submission 89

The submitter considers the land has high amenity and landscape values and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecologically important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species is considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

1. Council should permanently protect the Huntleigh Park flora and fauna.
2. 11A Huntleigh Park Way should be zoned Conservation and this property be purchased by the Council
3. The forest in the remaining properties be zoned Conservation and the Council purchase the land over time
4. If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the assessment criteria 5.4.10.3 - 5.4.10.9 and the 'indicative residential building sites' in Appendix 25.
5. That the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 95

The submitter considers that the land is not appropriate for residential development because of its considerable

environmental values (including its ecological, landscape and amenity values) which would be unacceptably damaged or lost in the event of residential development. The land is beyond the existing residential area and there is no compelling reason to extend housing into this land. Residential development would be contrary to Part II of the RMA and the District Plan.

Decision Requested:

The submitter opposes the whole plan change and considers the Council should:

1. Retain the Rural zoning which would ensure that any residential development would be minimal; or
2. Re-zone the land Open Space or Conservation Site, and Council purchase the land from the owners in order to extend Huntleigh Park Reserve to provide for the permanent protection of the land.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

“For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
 - Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or
3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to

the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:
 - "For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".
 - Add a new note after rule 5.4.10.9:
"Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B."; or
3. Delete DPC 61 in its entirety

Submission 99

The submitter is opposed to the re-zoning of the land and considers that the land should remain a 'green area'. Even one further house would cause a lot of damage to the regenerating native bush, and the scenic nature of the area would also be lost.

Decision Requested:

1. The submitter considers that the whole area should be declared a conservation area and the Council should buy the area and keep it as a scenic reserve.
2. No further houses should be built, except those already permitted under the Rural Area provisions.

Submission 100

The submitter believes there should be no further residential development of the land as it is of high ecological value. The land is also an important part of the remaining 1% of original native forest of its type in the City, and a vital part of the bush corridor from Karori through Wilton, Khandallah, Tawa and beyond.

Council-commissioned reports provide evidence that severe deleterious consequences would result from residential development. The RMA and Council policy documents (District Plan and the Biodiversity Action Plan) also support the protection of native bush of this quality.

There are insufficient safeguards in DPC61 to ensure protection of the native bush. The discretionary activity (unrestricted) category of consent (Rule 15.4.10) means that the door is left open for further development to occur in the future. There is also a lack of clarity around the size of the 'indicative residential dwelling sites' and the

assessment criteria are too subjective.

Better public access to the land needs to be addressed, and this should be done through purchasing the land as part of the Huntleigh Park Reserve (and the Outer Green Belt).

Decision Requested:

1. That Council abandon the plan change and no further residential development be permitted on the land; and
2. Council negotiate with the current landowners to make purchases of the land as an addition to Huntleigh Park Reserve (and the Outer Green Belt).

Submission 101

The submitter feels that there should be no further residential development of the land and that the bush be retained at all cost. The aesthetically-pleasing visual impact from surrounding suburbs must be maintained. Any housing would affect the visual impact negatively and cause dieback to the bush.

The land should be zoned Conservation and the Chester land purchased by the Council to safeguard the highly ecologically significant bush.

The submitter disagrees with the comment under section 7.2. Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that good public access is possible, but the Council pathway at the top of Huntleigh Park Way is inadequate. If the land was purchased by Council, provision should be made to facilitate community access through the Chester block to Huntleigh Park Reserve such as existed in the 1960s to the 1980s.

Decision Requested:

1. That no further residential development of the land be permitted;
2. That the land known as the Chester block be purchased by the Council and a fair price negotiated; and
3. Provision should be made to facilitate community access through the Chester block to Huntleigh Park Reserve
4. That Council abandon the plan change and no further residential development be permitted on the land.

Submission 103

The submitter considers that DPC 61 does not adequately protect the existing forest remnant bordering and protecting Huntleigh Park Conservation Area, and it does not provide the surety of bush preservation in these properties surrounding Huntleigh Park. DPC 61 is therefore not supported in its current form.

Decision Requested:

1. That there be no further residential or other development on any of the land for perpetuity, and the land should be zoned from Rural to Conservation to protect the highly ecologically-significant forest and to retain this forest for future generations.
2. The land should be purchased, especially 11A Huntleigh Park Way due to the significant bush remnant on this property. This would enable the previous historic access along the right of way between 11 and 13 Huntleigh Park Way to be reinstated.

Submission 107

The submitter considers there should be no further subdivision or residential development of the land as it is ecologically significant as stated in Paul Blaschke's ecological report. The topography of the land is such that development of the 'indicative residential dwelling sites', and the 'indicative driveways' will cause a major detrimental impact on the adjacent Huntleigh Park. The standards and terms of the new rule (5.4.10) therefore do not offer sufficient protection.

Development of this land is contrary to the aims of the Council to protect and maintain and enhance the remaining areas of significant indigenous vegetation in the Wellington area, of which Huntleigh Park and the adjoining properties are one.

If the plan change is permitted it would be contrary to Council's obligations under the RMA (s6(b) and s6(c)), Greater Wellington's draft provisions in the Regional Policy Statement on indigenous ecosystems (Objective 1 and Policy 2), the WCC Draft Biodiversity Action Plan (chapter 6 'Wellington's Vision for Biodiversity'), the objectives and policies applying to the Conservation Site provisions in the Wellington City District Plan (Objective 18.2.1), Council's Rural Policy (policies 14.2.1.1 and 14.2.5.4), and Council's Outer Green Belt Management Plan (policies 4.3.2.1 and 4.3.2.2).

Decision Requested:

1. Council should immediately arrange to include all the ecologically-significant areas (as per the Blaschke report) into the Huntleigh Park Conservation Site (site 5D in the Council's list of Conservation Sites).
2. Council should not amend the Residential Area rules as set out in DPC61.
3. Council should move to permanently protect all the ecologically significant areas in the Blaschke report from further development, and should consider all options for doing this, including the purchase(s) of land to add to Huntleigh Park.

Submission 109

The submitter disagrees with the comment under section 7.2 Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. A more detailed analysis of this option is essential. It is the preferred option of at least 18 residents in the area and at least one of the landowners.

Consultation ought to have been wider than the 'residents in the immediate vicinity of the land' as Crofton Downs residents in the wider area value the visual amenities of the native bush. There is sufficient development occurring within the vicinity which should be sufficient for the foreseeable future.

The submitter considers that as the current rural zone provisions do not provide for any further development it is unlikely that the land would be cleared.

Further consideration needs to be given to:

- existing landowners placing forest protection covenants over the land,
- the use of indigenous vegetation clearance rules to prevent clearance of any of the land without recourse to Council;
- the land being held in private reserve, similar to 16 Silverstream Road.

Decision Requested:

1. That the land be zoned Conservation, and that ensuring permanent protection of the forest be a priority.
2. That no further residential development be allowed on this land.
3. That the proposed plan change not go ahead.

Submission 111

The submitter considers the proposed development would lead to the potential destruction of approximately 25% of the bush in the Huntleigh Park area. This is confirmed by Council's own reports, including that of ecologist, Paul Blaschke. Ensuring there are no further residential buildings will help build on an ecologically-significant remnant of the original Wellington forest.

There are no assurances that there won't be further vegetation clearance beyond the minimum required for housing and access. Council's track record at enforcing accountability in these cases has been pitiful.

The character of Crofton Downs and the district will be destroyed by the current proposal. DPC61 does not protect the forest from further residential development and therefore the plan change should be refused. As the area is steep, any building will require extensive earthworks and the required retaining walls will be an eyesore.

Decision Requested:

1. The land should remain Rural Zoning in the short term and not be changed to Residential (Outer).
2. No further residential development should be allowed on this land.
3. The City Council should purchase the land as conservation land and as an addition to the Huntleigh Park

conservation site, and this should be managed by the QEII National Trust.

Submission 119

The submitter is opposed to DPC61 as it would allow for the clearance of indigenous vegetation for multiple house sites, rather than for the one house site permitted under the present zoning. The more extensive clearance would result in increased edge effect, and thus increased desiccation of the plant communities many metres in from the new bush edges, with continuing long term adverse effects on forest health and composition.

DPC61 will not provide sufficient controls to prevent the fragmentation of this part of the significant forest, and there would be long term damage to the ecosystem.

Decision Requested:

1. Retain the existing zoning (Rural Area) of the land;
2. Negotiate top purchase it; and
3. Add it to Huntleigh Park, and gazette it as Scenic Reserve under the Reserves Act 1977.

1.4. Council to make land 'reserve' / protect bush

Submission 7

The submitter opposes the proposed changes to the District Plan. The changes would significantly impact on view and local bird life.

Decision Requested:

That the Council preserves the proposed area as forest.

Submission 9

The submitter believes that the bush should be protected due to its importance and untouched characteristics. Additionally, the submitter is concerned with site access and environmental effects from construction, traffic, etc...

Decision Requested:

That the area encompassed by DPC61 becomes a native bush reserve and that development in the area be limited to preservation measures to retain the character of the forest.

Submission 12

The submitter opposes the change as the provisions will allow for the destruction of native bush. Further, the submitter feels that their view will be hindered.

Decision Requested:

That the bush be protected, allowing for no further destruction to the area's forest.

Submission 13

Submitter feels that recent residential development has adversely impacted this area's forest already – no further development should be allowed.

Decision Requested:

That the Council protect the native bush and put rules in place to protect it into the future.

Submission 14

The submitter does not wish to see further encroachment on the bush or the wildlife in it as it is an integral part of the charm of the area.

Decision Requested:

That all of the forest be protected as it is one of the most significant native forests in Wellington.

Submission 16

The submitter feels that the plan change will enable important forest to be cleared, reducing considerably the safe, protected area of forest. The specific provisions are opposed because of impact on the forest and view from residence.

Decision Requested:

That Council allow for no housing development or option for housing development, or ability to clear forest land in the area.

Submission 17

The submitter suggests that the Council protect the forest including the proposed rezoned area.

Decision Requested:

That the Council protect the bush in the area as additional building sites will damage a significant native forest.

Submission 20

The submitters oppose the provisions and want the Council to protect the rest of the forest.

Decision Requested:

That Council protect all of the forest in the area.

Submission 34

The submitter opposes the zone change and believes the Council should protect the forest for perpetuity.

Decision Requested:

That Council reject the plan change and protect the native forest for perpetuity.

Submission 38

The submitter strongly opposes the plan change. Specifically, the submitter raises concerns about traffic flows, congestion, construction noise & pollution, and a threat to the current 'way of life' for current residents in the neighbourhood. Also raised are matters of loss of both significant bush and local birdlife, as well as loss of views from existing properties.

Decision Requested:

That Council disallow any future development in the area, and preserve the area as a native reserve in the future.

Submission 59

The submitter opposes any residential development of the land and calls for protection to the bush in the area.

Decision Requested:

That the whole of the land affected by the plan change be protected from clearance/development for perpetuity.

Submission 66

As the area contains a significant portion of native bush, the proposal to rezone the land for residential use is not supported. Further, concerns are raised about the steepness of the sections, construction-related runoff, and ecological sensitivity.

Decision Requested:

That the Council secure the area for Conservation purposes.

Submission 76

The submitter is opposed to the re-zoning of the properties as Huntleigh Park is a unique piece of remnant forest and every effort should be made to preserve it. Any earthworks and development will ruin the properties forming part of the plan change as well as the rest of the bush reserve.

Decision Requested:

That the undeveloped land on these properties be permanently protected by conservation zoning and purchased by Council.

Submission 79

The submitter considers the land to be inappropriate for further residential development due to its conservation and landscape value, and the likely impact further development would have on the mature forest. The Plan change also breaches the undertakings contained in the Biodiversity Action Plan.

Decision Requested:

1. This Plan Change should be declined; and
2. Council negotiate with the landowners to subdivide off their current dwellings and zone them Outer Residential Area, and the balance land be re-classified as 'Scenic Reserve' and become an extension of Huntleigh Park.

Submission 81

The submitters are opposed to the rezoning given the ecological significance of the bush. It should therefore be preserved for future generations. The proposed housing would impact on our view and sunshine.

Decision Requested:

Reject DPC 61 but allow for the land's rezoning as a reserve.

Submission 87

The submitter is opposed to the rezoning as it will not protect the forest from further residential development.

Decision Requested:

1. DPC 61 should not go ahead.
2. The land should be zoned conservation and permanent protection of the forest should be a priority, with no residential development allowed.

Submission 88

The submitter opposes DPC61 on the grounds that further development of the area will spoil the bush-covered outlook for houses in Crofton Downs, and the native trees are important to the integrity of the reserve land to the west.

Decision Requested:

The submitter wants no further development of the land. If there is to be development, then the proposed Conservation Zone boundary (fig 6 of the Boffa Miskell report) be instigated, and development be restricted to one household for each indicative building site.

Submission 94

The submitter considers it would be a major tragedy to mutilate the native forest unnecessarily – as a native bird sanctuary alone it is extremely significant. Please learn from the experience of previous developments which have resulted in pollution to the Silverstream Stream, causing irreparable damage. The submitter expects that there will be strict controls in place for vegetation as noted in 7 and 8 of option 3.

Decision Requested:

The submitter opposes DPC61 and would prefer the area be zoned Conservation with 1 dwelling per site.

Submission 95

The submitter considers that the land is not appropriate for residential development because of its considerable environmental values (including its ecological, landscape and amenity values) which would be unacceptably damaged or lost in the event of residential development. The land is beyond the existing residential area and there is no compelling reason to extend housing into this land. Residential development would be contrary to Part II of the RMA and the District Plan.

Decision Requested:

The submitter opposes the whole plan change and considers the Council should:

1. Retain the Rural zoning (which would ensure that any residential development would be minimal); or
2. Re-zone the land Open Space or Conservation Site, which is justified by the natural values of the land. If this option is adopted, Council purchase the land from the owners in order to extend Huntleigh Park Reserve to provide for the permanent protection of the land.

Submission 98

The submitter is opposed to the entire plan change as it does not provide adequately for protection of natural values. The ecological integrity of the site would be detrimentally affected by the re-zoning. Residential development would result in excessive adverse effects.

Decision Requested:

1. The submitter considers that DPC 61 should be declined in it's entirety; or
2. The Conservation Site or Open Space B zoning provisions should apply to the land.

Submission 99

The submitter is opposed to the re-zoning of the land and considers that the land should remain a 'green area'. Even one further house would cause a lot of damage to the regenerating native bush, and the scenic nature of the area would also be lost.

Decision Requested:

1. The submitter considers that the whole area should be declared a conservation area and the Council should buy the area and keep it as a scenic reserve.
2. No further houses should be built, except those already permitted under the Rural Area provisions.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that were commissioned, showing the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to District Plan Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 103

The submitter considers that DPC 61 does not adequately protect the existing forest remnant bordering and protecting Huntleigh Park Conservation Area, and it does not provide the surety of bush preservation in these properties surrounding Huntleigh Park. DPC 61 is therefore not supported in its current form.

Decision Requested:

1. That there be no further residential or other development on any of the land for perpetuity and that the land be zoned from rural to Conservation to protect the highly ecologically significant forest and to retain this forest for future generations.
2. That the land be purchased, especially 11A Huntleigh Park Way due to the significant bush remnant on this property. This would enable the previous historic accessible access along the right of way between 11 and 13 Huntleigh Park Way to be reinstated.

Submission 106

The submitter considers the forest is significant to the view from her house. Up to six further residential units on the land would be significantly detrimental to her view. There are other new developments in the area (Downing St) where much regenerating native bush has already been destroyed. The bush contributes much to the value and character of this area and she does not want to see any further destruction of it.

The Council's own assessments show that the land under review is ecologically significant and should be protected as much as possible.

Decision Requested:

The remnant native forest on the land should be protected, and the proposed re-zoning should not go ahead.

Submission 107

The submitter considers there should be no further subdivision or residential development of the land as it is ecologically significant as stated in Paul Blaschke's ecological report. The topography of the land is such that development of the 'indicative residential dwelling sites', and the 'indicative driveways' will cause a major detrimental impact on the adjacent Huntleigh Park. The standards and terms of the new rule (5.4.10) therefore do not offer sufficient protection.

Development of this land is contrary to the aims of the Council to protect and maintain and enhance the remaining areas of significant indigenous vegetation in the Wellington area, of which Huntleigh Park and the adjoining properties are one.

If the plan change is permitted, it would be contrary to Council's obligations under then RMA (s6(b) and s6(c)), Greater Wellington's draft provisions in the Regional Policy Statement on indigenous ecosystems (Objective 1 and Policy 2), the WCC Draft Biodiversity Action Plan (chapter 6 'Wellington's Vision for Biodiversity'), the objectives and policies applying to the Conservation Site provisions in the Wellington City District Plan (Objective 18.2.1), Council's Rural Policy (policies 14.2.1.1 and 14.2.5.4), and Council's Outer Green Belt Management Plan (policies

4.3.2.1 and 4.3.2.2).

Decision Requested:

1. That Council immediately arrange to include all the ecologically significant areas (as per the Blaschke report) into the Huntleigh Park Conservation Site (site 5D in the Council's list of Conservation Sites)
2. That Council not amend the Residential Area rules as set out in DPC61
3. That Council move to permanently protect all the ecologically significant areas in the Blaschke report from further development, and should consider all options for doing this, including the purchase(s) of land to add to Huntleigh Park.

Submission 109

The submitter disagrees with the comment under section 7.2 Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. A more detailed analysis of this option is essential. It is the preferred option of at least 18 residents in the area and at least one of the landowners.

Consultation ought to have been wider than the 'residents in the immediate vicinity of the land' as Crofton Downs residents in the wider area value the visual amenities of the native bush. There is sufficient development occurring within the vicinity which should be sufficient for the foreseeable future.

The submitter considers that as the current rural zone provisions do not provide for any further development it is unlikely that the land would be cleared.

Further consideration needs to be given to:

- existing landowners placing forest protection covenants over the land,
- the use of indigenous vegetation clearance rules to prevent clearance of any of the land without recourse to Council;
- the land being held in private reserve, similar to 16 Silverstream Road.

Decision Requested:

1. That the land be zoned Conservation and that ensuring permanent protection of the forest should be a priority.
2. That no further residential development be allowed on this land.
3. That the proposed plan change not go ahead.

Submission 110

The submitter considers that DPC61 does not protect the forest from further residential development and therefore should be refused.

Decision Requested:

1. That the land be zoned Conservation and that ensuring permanent protection of the forest should be a priority.
2. That No residential development be allowed on this land.
3. That DPC61 not go ahead.

Submission 111

The submitter considers that the forest helps to maintain the birdlife and environment. Further removal of the forest for more housing could create erosion as well as spoiling what's left of an already "hotch potch" collection of building layouts.

Decision Requested:

We support protection of the forest, and are opposed to rule 5.4.10 as it will allow a significant part of the native forest to be damaged.

Submission 111

The submitter considers the proposed development would lead to the potential destruction of approximately 25% of the bush in the Huntleigh Park area. This is confirmed by Council's own reports, including the ecologist Paul Blaschke. Ensuring there are no further residential buildings will help build on an ecologically significant remnant of the original Wellington forest.

There are no assurances that there won't be further vegetation clearance beyond the minimum required for housing and access. Council's track record at enforcing accountability in these cases has been pitiful.

The character of Crofton Downs and the district will be destroyed by the current proposal. DPC61 does not protect the forest from further residential development and therefore the plan change should be refused. As the area is steep any building will require extensive earthworks and the required retaining walls will be an eyesore.

Decision Requested:

1. That the land retain its Rural Zoning in the short term and not be changed to Residential (Outer).
2. That no further residential development be allowed on this land.
3. That City Council purchase the land as conservation land as an addition to the Huntleigh Park conservation site, and this should be managed by the QEII National Trust.

Submission 114

The submitters are concerned that allowing DPC61 will result in native bush being cut down in order to make way for housing which is unimportant to the area. Housing becomes an eyesore when adjacent to or within native bush. The flourishing birdlife from Karori Sanctuary will be adversely affected, and more housing will lead to more animal predation on this birdlife. The housing will also lead to more erosion on the steep Huntleigh Park slope.

The Council in the past stated a policy to protect the Huntleigh Park Bush.

Decision Requested:

1. The plan change is opposed and the land should be left as rural land.
2. That a covenant be created whereby any housing development does not allow the removal of native bush.
3. That a covenant agreement also be applied over the land to severely restrict any necessary removal of native bush.

Submission 115

The submitter considers that DPC61 does not protect the forest from further residential development. The Huntleigh Park forest is one of the few remaining tracts of native vegetation in Wellington.

Decision Requested:

1. That the land be zoned Conservation, and that ensuring permanent protection of the forest be a priority.
2. That no residential development should be allowed on this land.

Submission 116

The submitter is opposed to DPC61 as the two households provided for on each of the building sites will have a negative impact, both visually in an area widely viewed, and most importantly on the vegetation. The bush containing kohekohe further up and podocarps lower down will be adversely affected by the construction of the houses and further put at risk by the people living in close proximity. All of the bush will be valuable as a carbon sink and could generate revenues for the City.

The outlook of people in Crofton Downs has already been downgraded by the latest building in that bush, and development provided for by DPC61 will further spoil this outlook.

Decision Requested:

The compromise option should be adopted (Option 2 in the section 32 report) which involves zoning part of the land Outer Residential and the balance area (where no dwellings would be permitted) would be zoned Conservation Site. Development would be restricted to one house per site.

Submission 119

The submitter is opposed to DPC61 as it would allow for the clearance of indigenous vegetation for six house sites, rather than for the one house site permitted under the present zoning. The more extensive clearance would result in increased edge effect, and thus increased desiccation of the plant communities many metres in from the new bush edges, with continuing long term adverse effects on forest health and composition.

DPC61 will not provide sufficient controls to prevent the fragmentation of this part of the significant forest, and there would be long term damage to the ecosystem.

Decision Requested:

1. Retain the existing zoning (Rural Area) of the land;
2. Negotiate to purchase the land; and
3. Add the land to Huntleigh Park, and gazette it as Scenic Reserve under the Reserves Act 1977.

1.5. District Plan Objectives / Policies

Submission 15

The submitter believes that the plan change does not fully support the District Plan objective, “encourage more intensive development within existing residential areas.” To not impose specific limits would allow developers to clear and cause damage to significantly more vegetation than required and destroy the character and amenity of the area – and therefore, not fulfil the objective of the Plan.

Decision Requested:

Amend DPC61 (specifically Rule 5.4.10) to align with the above noted objective.

Submission 33

The submitter believes the plan change to be in conflict with the District Plan objective – ‘to protect and enhance the natural or green areas of the city,’ and with the WCC Biodiversity Plan. The area contains a rare and significant forest remnant. The potential destruction of the forest here could disrupt the green corridor from Karori, through Huntleigh Park, to Kaukau and beyond. Further, Council’s reports have indicated the area is ecologically significant, containing an environmentally-sensitive ecosystem. The submitter is also concerned for slope instability during construction.

Decision Requested:

That the proposed plan change be withdrawn.

Submission 74

The submitter believes the plan change does not meet the District Plan Objective – “Protect and enhance the natural or ‘green’ areas of the city. This is chiefly all the land beyond the outer town belt, including rural and open space zones, and conservation sites.” Further, it is stated that the Council has an obligation under the RMA to maintain and enhance amenity values and quality of environment – and to protect areas of significant indigenous vegetation / fauna.

Decision Requested:

No decision requested.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an “easy exit” for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from

developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 107

The submitter considers there should be no further subdivision or residential development of the land as it is ecologically significant as stated in Paul Blaschke's ecological report. The topography of the land is such that development of the 'indicative residential dwelling sites', and the 'indicative driveways' will cause a major detrimental impact on the adjacent Huntleigh Park. The standards and terms of the new rule (5.4.10) therefore do not offer sufficient protection.

Development of this land is contrary to the aims of the Council to protect and maintain and enhance the remaining areas of significant indigenous vegetation in the Wellington area, of which Huntleigh Park and the adjoining properties are one.

If the plan change is permitted it would be contrary to Council's obligations under the RMA (s6(b) and s6(c)), Greater Wellington's draft provisions in the Regional Policy Statement on indigenous ecosystems (Objective 1 and Policy 2), the WCC Draft Biodiversity Action Plan (chapter 6 'Wellington's Vision for Biodiversity'), the objectives and policies applying to the Conservation Site provisions in the Wellington City District Plan (Objective 18.2.1), Council's Rural Policy (policies 14.2.1.1 and 14.2.5.4), and Council's Outer Green Belt Management Plan (policies 4.3.2.1 and 4.3.2.2).

Decision Requested:

1. That Council immediately arrange to include all the ecologically significant areas (as per the Blaschke report) into the Huntleigh Park Conservation Site (site 5D in the Council's list of Conservation Sites).
2. That Council not amend the Residential Area rules as set out in DPC61.
3. That Council move to permanently protect all the ecologically significant areas in the Blaschke report from further development, and should consider all options for doing this, including the purchase(s) of land to add to Huntleigh Park.

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and to control the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

Given the ecological significance of the site a new objective, three policies and methods are required to provide for the sustainable management of the land, and manage the environmental effects of future residential development consistent with the provisions in the adjoining Conservation Site (5D). This will provide the opportunity for 'rural residential' development on the properties provided adequate ecological and stream protection is made on the balance land.

Decision Requested:

Insert a new objective and policies after objective 4.2.5 as follows:

Objective

4.2.5A

To protect indigenous vegetation, habitat and ecosystems from modification and loss.

Note:

This objective and the related policies and methods apply to the land shown in Appendix 25.

Policies:

To achieve this objective, Council will:

4.2.5A.1

Control the effects of uses and activities that could modify or disrupt the values of the ecosystem including the indigenous vegetation and the urban stream.

4.2.5A.2

Recognise the ecological values of the site and its link to the adjoining Conservation 5D site.

4.2.5A.3

Ensure that new residential buildings are developed and designed in a way that will respect and integrate with the ecological values of the site.

Methods

- *Rules*
- *Provision of information (Wellington City Council, Greater Wellington Regional Council)*
- *Other mechanisms*
 - *Greater Wellington Regional Council's Managing your bush block- A guide to looking after indigenous forest remnants in the Wellington region.*
 - *Greater Wellington's Restoring our Natural Heritage – A guide to Greater Wellington's biodiversity assistance for private landowners.*
 - *Mind the stream – A guide to looking after urban and rural streams in the Wellington Region.*

1.6. Private Property Rights

Submission 35

The submitter believes that the Council does not have the right to impose a de facto conservation covenant in the area, consequently reducing the local landowners' property rights. Unless the owners give consent to this proposal, the submitter considers the plan change a breach of due process and private property rights. The submitter states that a strong public interest needs to be established before the taking of property rights. If Council considers such a case exists, it should engage with the relevant landowners to purchase the land or provide due compensation – if accord is reached in this matter, those directly benefiting from the sale (namely, the neighbours in the vicinity) should be responsible for the costs (not on ratepayers at large unless this is impractical).

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 37

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 42

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 44

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 45

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 46

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 47

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 48

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 49

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 50

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 51

The submitter states that Council should not reduce the owners' property rights without consent.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 52

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 53

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 68

The submitter believes that the plan change is a breach to landowners' property rights as it results in an extension of the conservation zone without their consent.

Decision Requested:

That Plan Change 61 be rejected.

Submission 69

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 71

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 72

The submitter states that Council should not reduce the owners' property rights without consent. The plan change results in a de facto Conservation Covenant, which is unreasonable and a direct breach of private property rights.

Decision Requested:

That Council either:

1. negotiate the purchase of the land, or;
2. withdraw the plan change, maintaining the current zoning.

Submission 93

The submitter supports the change to Outer Residential Area but opposes the new rules 5.1.13, 5.4.10 and Appendix 25 as the Council has not considered all viable options for the land. The rules are draconian and ride roughshod over property rights. The Council has overstated the value of the Huntleigh Park Bush; it is not remnant bush.

Decision Requested:

1. The Council should purchase the land and complete a management plan for the area if it thinks it is truly an issue.
2. Alternatively, the Council should withdraw the plan change.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

“For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
 - Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or
3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner’s current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:

“For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.

- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:
 “Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it's entirety

1.7. Other submissions

Submission 73

The submitter seeks amendment to the way the area is managed – specifically, a mixed Conservation and Residential zoning. While the submitter supports the inclusion of Rule 5.1.13, it is sought that the rule apply to 69 Heke Street (as well as those already proposed) and not apply to 11A Huntleigh Park Way (11A), as proposed in the plan change. Rather, the submitter seeks for Council to Purchase 11A and to zone it as Conservation Site. Should this option not be accepted, the Council should rezone 11A to Residential (Outer), subject to Rules 5.1.13 & 5.4.10. In addition, the submitter notes that the indicative building sites should indicate a maximum size requirement.

The submitter opposes the inclusion of Rule 5.4.10, which allows further residential development in the area – however, it is reiterated that, should the above-suggested Conservation zoning of 11A not be accepted, and a Residential zone put in place, then Rule 5.4.10 should apply to 11A.

Decision Requested:

That Council:

1. rezone 69, 79, & 83 Heke Street, and 19 & 21 Thatcher Crescent from Rural to Outer Residential, subject to Rule 5.1.13;
2. withdraw 69, 79, & 83 Heke Street, and 19 & 21 Thatcher Crescent from inclusion under Rule 5.4.10, allowing for no future residential development on the properties;
3. agree to purchase 11A Huntleigh Park Way (if possible), and instruct officers to report back on purchase proposal for consideration;
4. agree to rezone 11A Huntleigh Park Way to either:
 - a. Conservation Site, or
 - b. Residential (Outer) with Rules 5.1.13 & 5.4.10 controlling the development of the site (if purchase of land is unsuccessful);
5. instruct officers to continue engagement with landowners regarding various further options to protect the vegetation in the area (covenants, further purchase of land, etc...)

Submission 78

The submitter states that the Plan Change is in contradiction to the Biodiversity Action Plan Objective 2.3 which states that RMA and policy protection will be given to sites of ecological significance. The site has been clearly identified by Paul Blaschke and Boffa Miskell as being of ecological significance being an ecological linkage. The Plan change will not adequately protect the biodiversity values and consequently is in conflict with the Council's Biodiversity Action Plan.

Decision Requested:

Modifying the plan as Forest and Bird requests will be consistent with this aspect of the Biodiversity Action Plan.

Submission 85

The submitter states that the Plan Change is in contradiction to the Biodiversity Action Plan Objective 2.3 which states that RMA and policy protection will be given to sites of ecological significance. The site has been clearly

identified by Paul Blaschke and Boffa Miskell as being of significance as an ecological linkage. The Plan change will not adequately protect the biodiversity values and consequently is in conflict with the Council's Biodiversity Action Plan.

Decision Requested:

Modifying the plan as requested by the submitter will be consistent with this aspect of the Biodiversity Action Plan.

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and control the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

The urban stream within the subject site has not been considered as part of this plan change. This stream should be recognised and protected as one of the key features of the ecologically significant site. Earthworks associated with subdivision and building development should be appropriately managed to mitigate downstream impacts on land and water quality. Greater Wellington therefore seeks more stringent controls in relation to earthworks.

Decision Requested:

That a new rule relating to the potential effects of earthworks on the urban stream may need to be inserted into the plan change.

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and control the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

There are two minor typographical errors which need to be amended as set out below.

Decision Requested:

The new rule 5.4.10 has been incorrectly described as 15.4.10 on:

- Page 1 (Guide to Rules table)
- Page 2 – the explanation for the new permitted activity rule.

The correct number should be 5.4.10.

2. Residential Rules

2.1. Permitted Activities

2.1.1. - Rule 5.1.13

Submission 4

The submitter supports that the Council limits bush clearance under rule 5.1.13, but believes it should go further and protect the entire ecologically significant wildlife habitat.

Decision Requested:

Amend rule 5.1.3 to further protect the entire area (subject to the plan change) from bush clearance / ecological disturbance.

Submission 15

The submitter supports section 5.1.13 and sub-clauses as it serves to protect existing indigenous vegetation currently not protected. This will prevent adverse effects to the bush imposed by subdivision and allow native bird species to exist in the area.

Decision Requested:

Approve DPC61 insofar as it proposes the addition of rule 5.1.13 to the Residential rules.

Submission 19

The submitter supports rule 5.1.13

Decision Requested:

That rule 5.1.13, as proposed, be adopted.

Submission 23

The submitter supports the Council proposal to protect the forest under rule 5.1.13, but would request that the Council amend the rule to protect all of the forest in perpetuity.

Decision Requested:

Approve rule 5.1.13 subject to a rule amendment to protect all of the forest in perpetuity.

Submitter 26

The submission supports the thrust of rule 5.1.13 insofar as it proposes to protect portions of bush in the area. The submitter believes that Council should protect all bush in the area however, and believes the restriction of residential development in the area is required to achieve this.

Decision Requested:

Approve rule 5.1.13 subject to an amendment to protect all of the forest.

Submission 58

The submitter agrees with the intent of Rule 5.1.13 to protect the native forest in the area, but feels that the entire forest should be protected.

Decision Requested:

Approve rule 5.1.13 subject to an amendment to protect all of the forest.

Submission 74

The submitter is opposed to the amendments to Chapter 5 as proposed by the plan change, but supports the thrust of condition 5.1.13.4.

Decision Requested:

That Council make no amendments to chapter 5, but instead place similar conditions in Chapter 19 (Conservation Sites). If this is not accepted, and yet Chapter 5 is subsequently amended (in accordance with submission 74 cited under section 2.2.1 below), then Council should approve Rule 5.1.13.

Submission 77

The submitter is opposed to the whole plan change, but also considers that the permitted activity rule and conditions are difficult to understand and open to interpretation.

Decision Requested:

The wording of permitted activity rule 5.1.13 needs to be more precise, or there needs to be a separate section

dealing with the vacant site.

Submission 78

The submitter is opposed to further modification, damage, removal or destruction of indigenous vegetation.

Decision Requested:

Retain rule 5.1.13, and particularly 5.1.13.4.

Submission 85

The submitter is opposed to further modification, damage, removal or destruction of indigenous vegetation.

Decision Requested:

Retain rule 5.1.13, and particularly 5.1.13.4.

Submission 93

The submitter supports the change to Outer Residential Area but opposes the new rules 5.1.13, 5.4.10 and Appendix 25 as the Council has not considered all viable options for the land. The rules are draconian and ride roughshod over property rights. The Council has overstated the value of the Huntleigh Park Bush; it is not remnant bush.

Decision Requested:

1. The Council should purchase the land and complete a management plan for the area if it thinks it is truly an issue.
2. Alternatively, the Council should withdraw the plan change.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units.

We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Submission 106

The submitter considers the forest is significant to the view from her house. Up to six further residential units on the land would be significantly detrimental to her view. There are other new developments in the area (Downing St) where much regenerating native bush has already been destroyed. The bush contributes much to the value and character of this area and she does not want to see any further destruction of it.

The Councils own assessments show that the land under review is ecologically significant and should be protected as much as possible.

Decision Requested:

The remnant native forest on the land should be protected, and the proposed re-zoning should not go ahead.

I am opposed to rule 5.4.10 but support rule 5.1.13 to protect the indigenous vegetation.

Submission 118

The submitters consider that permitting 5 additional houses in the significant remnant native forest will damage the forest, and will impair their view. Rule 5.4.10 should therefore be deleted and 5.1.13 supported as it will protect the rest of the forest.

Decision Requested:

Oppose Rule 5.4.10 and support rule 5.1.13.

2.1.2. - Condition 5.1.13.1

Submission 77

The submitter is opposed to the whole plan change, but also considers that the permitted activity rule and conditions are difficult to understand and open to interpretation.

Decision Requested:

It is not clear exactly what a residential structure and a residential building is. This requires more definition.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units.

We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

2.1.3. - Condition 5.1.13.2

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two

household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

2.1.4. - Condition 5.1.13.3

Submission 10

The submitter states that the rules to control the removal of indigenous vegetation are unlikely to be effective as there are no limits on how often vegetation may be removed – potentially, this will enable incremental removal of vegetation and over time, total clearance. As such, the permitted activity rule creates a permitted baseline that can enable the cumulative removal of all vegetation from this site.

Decision Requested:

That the clearance of indigenous vegetation is deleted from the permitted activity rule, and a controlled activity rule is added to control the removal of indigenous vegetation above areas of 50m², once only, and to restrict activities to that associated with residential activities.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:
 - “For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
 - Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke

Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it's entirety

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and controls the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

Decision Requested:

The submitter suggests the following changes to the permitted activity Rule 5.1.13 (changes are shown underlined or struck out) to clarify its intention which is to enable minor building works to be carried out within the area (which include the indoor and outdoor areas) currently being used by the occupants of the existing dwellings:

- *5.1.13.3 Compliance with Rule 5.1.9 (earthworks), except that:*

- no earthworks shall extend beyond the area already developed and used for residential purposes as of 8 September 2007. This area shall include land occupied by the existing dwellings, driveways, paths, lawns and outdoor areas associated with the dwelling.

Note:

Any minor building works such as the enclosing of an outdoor area associated with a dwelling is a permitted activity provided it complies with the bulk and location requirements under 5.1.3.

2.1.5. - Condition 5.1.13.4

Submission 2

The submitter supports the rezoning, subject to amendments to the proposed rules. The submitter states that the invaluable indigenous bush in the area is under threat.

Decision Requested:

That Council approve DPC61 subject to an amendment to condition 5.1.13.4 to allow for no bush clearance in the area affected by the plan change.

Submission 13

The submitter agrees that there should be bush protection put in place by way of rule 5.1.13.4, but it should protect all bush in the area.

Decision Requested:

Amend Condition 5.1.13.4 to allow for total forest protection from bush clearance.

Submission 21

The submitter generally supports condition 5.1.13.4. Further, it is noted that the 100m² area proposed is small in relation to the overall site area and has the potential to be exceeded – it is therefore important that any proposed clearance work is confirmed by WCC as compliant.

Decision Requested:

Support Condition 5.1.13.4 insofar as it relates to the comments above.

Submission 67

The submitter supports, in part, the inclusion of Condition 5.1.13.4 – the support is subject to the condition being amended to protect all bush from being cleared in the area.

Decision Requested:

That condition 5.1.13.4 be amended to allow for no permitted clearance of bush in the area affected by the plan change.

Submission 78

The submitter is opposed to further modification, damage, removal or destruction of indigenous vegetation.

Decision Requested:

Retain rule 5.1.13.4.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:
 - "For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".
 - Add a new note after rule 5.4.10.9:

"Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B."; or
3. Delete DPC 61 in it's entirety

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and controls the development of existing and new residential dwellings on 6 'rural residential' properties

adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

Decision Requested:

The submitter suggests the following change to the permitted activity Rule 5.1.13 (changes are shown underlined or struck out) to clarify its intention which is to enable minor building works to be carried out within the area (which include the indoor and outdoor areas) currently being used by the occupants of the existing dwellings:

- *5.1.13.4*
The activity does not involve modification, damage, removal, or destruction of indigenous vegetation totalling more than ~~400m~~² 50m² as of 8 September 2007 within the area as defined in 5.1.13.3.

2.2. Discretionary Activities

2.2.1. - Rule 5.4.10

Submission 4

The submitter opposes rule 5.4.10 and believes that all the forest should be protected. The rule (as proposed) would allow for the destruction of significant wildlife habitat for native species.

Decision Requested:

Delete rule 5.4.10 from the plan change, and allow for no further development.

Submission 8

The submitter believes that resource consent for subdivision, earthworks, and/or vegetation clearance should be denied.

Decision Requested:

Reject proposed rule 5.4.10.

Submission 10

The submitter states that the proposed rules do not provide any certainty that the vegetation will be retained on the site, and that non-residential development will be adequately controlled. Further, the proposed plan provisions lack certainty, and are unlikely to achieve the outcomes suggested in the RMA s32 report, as the provisions lack the specificity needed to ensure inappropriate interpretation of them by Council staff and applicants' consultants assessing or preparing applications for consent.

Decision Requested:

1. That a rule be included making the removal of vegetation a prohibited activity, except where indicated in the indicative building site and dotted access way in Appendix 25. Any departure from this should be the subject of a plan change.
2. That a non-complying activity rule is included that specifies those activities that will be considered to be non-complying, consistent with that in the 'note.'
3. That a further plan change is notified that addresses the flaws in the objectives and policies of the residential provisions, to ensure outcomes being sought via controls of vegetation removal can be achieved.

Submission 19

The submitter opposes rule 5.4.10 as it does not allow for enough protection of the area's significant bush. In

<p>addition, no further development should be allowed on these 5 sites because of their unique location.</p> <p>Decision Requested:</p> <p>Delete rule 5.4.10 and permit no further development.</p>
<p><u>Submission 23</u></p> <p>The submitter opposes inclusion of this rule as allowing residential development in the area will disrupt residents' current views, scar the native landscape, potentially damage local ecosystems, and lead to adverse construction effects (noise, dust, etc.)</p> <p>Decision Requested:</p> <p>That Council reject proposed rule 5.4.10</p>
<p><u>Submission 26</u></p> <p>The submitter opposes the inclusion of Rule 5.4.10 as it is believed that further development will cause an unacceptable level of visual and environmental degradation and threaten the viability of the bush. In addition, further development will have significant adverse ecological effects including runoff, intrusion of weeds/pests, and dumping of waste.</p> <p>Decision Requested:</p> <p>That Council reject proposed rule 5.4.10</p>
<p><u>Submission 28</u></p> <p>The submitter opposes the inclusion of Rule 5.4.10. It is stated that any future subdivision and/or development in the area would interfere with the character, ecological sensitivity, significance of the native bush in the area. Further, the submitter states that the shared driveway at numbers 19, 21, 23A, & 23B could not withstand further use and/or traffic caused by residential development.</p> <p>Decision Requested:</p> <p>That Council withdraw the proposed inclusion of Rule 5.4.10 under the plan change.</p>
<p><u>Submission 40</u></p> <p>The submitter supports the inclusion of Rule 5.4.10 as it is essential to preserve the bush in the area. The area is important for recreational purposes, and because of its significance as a native bird and bush habitat.</p> <p>Decision Requested:</p> <p>That Council adopt proposed plan change 61 – specifically rule 5.4.10.</p>
<p><u>Submission 57</u></p> <p>The submitters are not totally in opposition to the plan change, but feel that any future development should be as sympathetic to the significant native bush in the area as possible. Any new buildings should be restricted to at most one or two sites of moderate and specified size – otherwise, the local bush should be left undisturbed.</p> <p>Decision Requested:</p> <p>Amend Rule 5.4.10 to specify the size of indicative building sites – sites should be 'moderate' in size, and restricted to one or two units.</p>
<p><u>Submission 58</u></p> <p>The submitter opposes the inclusion of Rule 5.4.10 as it allows for future development of the area. The submitter believes this will damage the unique forest in the Huntleigh Park Reserve.</p> <p>Decision Requested:</p>

That Council not allow any future development in the area proposed for change under DPC61 – withdraw Rule 5.4.10.

Submission 61

The submitter is opposed to the inclusion of Rule 5.4.10, as allowing further residential use in the area will detract from the local residents' views, lower property values, and threaten the existing native forest.

Decision Requested:

That the plan change be rejected by Council.

Submission 65

The submitter supports the provision to require resource consent for subdivision, use, earthworks, and vegetation clearance – however, it is suggested that a maximum building size be put in place.

Decision Requested:

Approve Rule 5.4.10, subject to an amendment, limiting the square meterage of each building to 200m².

Submission 67

The submitter opposes rule 5.4.10, and states that the destruction of indigenous vegetation for residential development should not be supported.

Decision Requested:

That Council reject Rule 5.4.10.

Submission 74

The submitter opposes amendments to Chapter 5 – specifically the two standards under Rule 5.4.10 – as they are opposed to the indicative building sites and driveways on 79 Heke Street & 21 Thatcher Crescent, and to two household units permitted at 11A Huntleigh Park Way.

Decision Requested:

That Council make no amendments to chapter 5, but instead place similar conditions in Chapter 19 (Conservation Sites). Under Chapter 19, approve a rule similar to 5.4.10, modifying the standard 5.4.10.2 to read:

'only one household unit shall be permitted on the indicative residential building site as identified in the appendix...'

It is noted that the submitter has requested that the appendix map be amended to remove the indicative building sites at 79 Heke Street and 21 Thatcher Crescent.

If relief is not granted in accord with the suggestion above to include these rules in Chapter 19 of the plan, the submitter seeks modification of condition 5.4.10.2 to read:

'only one household unit shall be permitted on the indicative residential building site as identified in the appendix...'

Submission 77

The submitter is opposed to the whole plan change, but also considers that the discretionary activity assessment criteria are vague and open to interpretation.

Decision Requested:

The submitter is opposed to the whole plan change, but also considers that the discretionary activity assessment criteria are vague and open to interpretation. For example, what does "Council will have regard to the following criteria" mean?

Decision Requested:

Amend this section so that the assessment criteria are more certain.

Submission 77

The submitter is opposed to the whole plan change, but also considers that any application requiring resource consent must be publicly notified.

Decision Requested:

Insert a provision under Rule 5.4.10 requiring notification of all resource consent applications.

Submission 77

The submitter is opposed to the whole plan change, but also considers that an extra assessment criteria should be inserted to require an ecological assessment for any new subdivision, use or activity. This is due to the presence of forest and ornate skink populations in the area, and possibly long tailed bats.

Decision Requested:

Insert a new assessment criteria under rule 5.4.10 which will require an ecological assessment for any new subdivision, use or activity.

Submission 78

The submitter is opposed to 5.4.10, particularly 5.4.10.1 and 5.4.10.2 and the indicative residential building sites and indicative driveways on 70 Heke Street and 21 Thatcher Crescent. The submitter also opposes the two households units being permitted on 11A Huntleigh Park Way.

Decision Requested:

Delete rule 5.4.10.

Submission 83

The submitter does not support further residential building sites or clearance of the existing bush on any of the 5 properties, but would support any proposal by Council to purchase the land. This is because:

- further development can affect the streams in Trelissick Park;
- Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;
- It is an important bird corridor between Khandallah Park and Otari Wilton's Bush as well as an important ecological corridor to the harbour, Trelissick Park and the outer green belt.
- The removal of vegetation and consequent effect on the adjoining forest would run contrary to the Council approved Biodiversity Action Plan.

Decision Requested:

Amend DPC61 to allow no more residential building sites or clearance of the existing bush of the 5 properties.

Alternatively, our 'fall back' position would allow one indicative residential building site' with associated access driveway on the undeveloped land at 11A Huntleigh Park Way, with the following amendments:

- The overall height of such a residence should be a maximum of 8m.
- Indicative residential building site should be defined
- The maximum area of the indicative residential building site' including the area for landscape architecture and outbuildings/structures in 5.4.10.1 and 2 should be defined. We suggest 450m².
- In 5.4.10.3, vegetation clearance and earthworks beyond the above 450m² area should be prohibited.
- Maximum clearance width of bush for the purposes of constructing an access driveway should be 5m.

- Development should be in accordance with Council's recently updated draft Code of Practice for Land Development.

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 93

The submitter supports the change to Outer Residential Area but opposes the new rules 5.1.13, 5.4.10 and Appendix 25 as the Council has not considered all viable options for the land. The rules are draconian and ride roughshod over property rights. The Council has overstated the value of the Huntleigh Park Bush; it is not remnant bush.

Decision Requested:

- The Council should purchase the land and complete a management plan for the area if it thinks it is truly an issue.
- Alternatively, the Council should withdraw the plan change.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 105

The submitters state that the original landscape should be retained as much as possible as it is ecologically significant and visually important from a wide range of perspectives. The plan change is supported as it would appear to minimise disruption to the landscape and ecology is supported, provided Rule 5.4.10 is strictly applied and conditions are met by any development. Ideally however, we would prefer that Option 1 be realised, as set out in the section 32 report ('Retain existing rural area zoning), and retain rule 5.1.13.

Decision Requested:

- The submitters support the plan change, provided Rule 5.4.10 enables Council to impose strict conditions on

any development.

2. There should be rules with respect to:
 - surveyed fences which will establish development limits, protect ingress from third parties, prevent vandalism, roaming pets and prevent dumping.
 - Controls on what tracks are to be constructed by whom and how they will be maintained;
 - Controls on vegetation clearance.
 - The proposed residential sites need to be better defined in area and shape. The maximum area for two adjoining houses should be 1000m².
 - a detailed geotechnical review of the area needs to be undertaken prior to any development occurring on the land.
3. Notwithstanding the above, we would prefer that Option 1 be realised, as set out in the section 32 report ('Retain existing rural area zoning), and retain rule 5.1.13.

Submission 106

The submitter considers the forest is significant to the view from her house. Up to six further residential units on the land would be significantly detrimental to her view. There are other new developments in the area (Downing St) where much regenerating native bush has already been destroyed. The bush contributes much to the value and character of this area and she does not want to see any further destruction of it.

The Council's own assessments show that the land under review is ecologically significant and should be protected as much as possible.

Decision Requested:

1. The remnant native forest on the land should be protected, and the proposed re-zoning should not go ahead.
2. I am opposed to rule 5.4.10 but support rule 5.1.13 to protect the indigenous vegetation.

Submission 107

The submitter considers there should be no further subdivision or residential development of the land as it is ecologically significant as stated in Paul Blaschke's ecological report. The topography of the land is such that development of the 'indicative residential dwelling sites', and the 'indicative driveways' will cause a major detrimental impact on the adjacent Huntleigh Park. The standards and terms of the new rule (5.4.10) therefore do not offer sufficient protection.

Development of this land is contrary to the aims of the Council to protect and maintain and enhance the remaining areas of significant indigenous vegetation in the Wellington area, of which Huntleigh Park and the adjoining properties are one.

If the plan change is permitted it would be contrary to Council's obligations under the RMA (s6(b) and s6(c)), Greater Wellington's draft provisions in the Regional Policy Statement on indigenous ecosystems (Objective 1 and Policy 2), the WCC Draft Biodiversity Action Plan (chapter 6 'Wellington's Vision for Biodiversity'), the objectives and policies applying to the Conservation Site provisions in the Wellington City District Plan (Objective 18.2.1), Council's Rural Policy (policies 14.2.1.1 and 14.2.5.4), and Council's Outer Green Belt Management Plan (policies 4.3.2.1 and 4.3.2.2).

Decision Requested:

1. Council should immediately arrange to include all the ecologically significant areas (as per the Blaschke report) into the Huntleigh Park Conservation Site (site 5D in the Council's list of Conservation Sites)
2. Council should not amend the Residential Area rules as set out in DPC61
3. Council should move to permanently protect all the ecologically significant areas in the Blaschke report from further development, and should consider all options for doing this, including the purchase(s) of land to add to Huntleigh Park.

Submission 111

Considers the forest helps to maintain the birdlife and environment. Further removal of the forest for more housing

could create erosion as well as spoiling what's left of an already "hotch potch" collection of building layouts.

Decision Requested:

We support protection of the forest, and are opposed to rule 5.4.10 as it will allow a significant part of the native forest to be damaged.

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and controls the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

It is not clear from the explanation under Rule 5.1.13 as to what the activity status would be for any use or activity that breaches one or more of the permitted activity conditions under rule 5.1.13. It is noted that the new rule 5.4.10 does not provide for any development or changes to the area already developed and used for residential purposes as of 8 September 2007.

Decision Requested:

The submitter suggests the following changes to Rule 5.4.10 as follows (changes shown struck out):

For areas denoted 'indicative residential building sites' in Appendix 25, an Earthworks Management Plan shall be provided in respect of any proposed subdivision, use or building development. The plan shall detail sediment control, erosion protection and construction management. The information must be consistent with the principles and guidelines in the Greater Wellington Regional Council's Small Earthworks, Erosion and Sediment Control for Small Sites (June 2006) and/or Greater Wellington's Erosion Control and Sediment Control guidelines (reprinted 2003).

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and controls the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

There is no explanation as to whether the general bulk and location requirements such as the permitted activity conditions under 5.1.3 apply to any new development within the 'indicative residential building sites'. If so, would the maximum allowable combined site coverage for a 'two dwelling' proposal be 35%.

Decision Requested:

That clarification be provided by the Council on the above matter.

Submission 117

The submitter is generally supportive of DPC61 as it proposes new provisions to control indigenous vegetation clearance and controls the development of existing and new residential dwellings on 6 'rural residential' properties adjacent to Huntleigh Park. This support is however conditional on a number of amendments to the rules and the insertion of a new objective and policies.

Any subdivision, use or development on the site must be appropriately managed to ensure the ecological values, including the indigenous vegetation and waterways are protected.

Decision Requested:

The submitter suggests a new standard and term after 5.4.10.2 as follows (shown underlined):

5.4.10.3

The following changes to Rule 5.4.10 as follows (changes shown struck out):

Within the land shown in Appendix 25 (11A Huntleigh Park Way, 79 and 83 Heke Street, 19 and 21 Thatcher Crescent, Ngaio):

Any subdivision, use or activity, including the vegetation clearance, earthworks and the construction, alteration of, and addition to buildings or structures, ~~that is not a permitted activity~~, is a Discretionary Activity (Unrestricted).

Submission 118

The submitters consider that permitting 5 additional houses in the significant remnant native forest will damage the forest, and will impair their view. Rule 5.4.10 should therefore be deleted and 5.1.13 supported as it will protect the rest of the forest.

Decision Requested:

Oppose Rule 5.4.10 and support rule 5.1.13.

2.2.2. - Standard 5.4.10.1

Submission 2

The submitter supports the rezoning, subject to amendments to the proposed rules. The submitter states that the invaluable indigenous bush in the area is under threat. Specific support is given to standard 5.4.10.1.

Decision Requested:

That no additional building sites be allowed other than those indicated in the Appendix 25 map – as set out in Standard 5.4.10.1

Submission 15

The submitter objects to rule 5.4.10 because the proposal does not place specific limits on the area of indigenous vegetation that can be cleared for residential building sites or driveways. It refers only to indicative siting and access. It is believed that this is too open to interpretation and should be specified within the plan.

Decision Requested:

Amend rule 5.4.10.1 to specifically define the limit on the amount of vegetation that can be cleared for residential building sites and driveways.

Submission 21

The submitter generally supports the standard. The use of indicative building sites will not only preserve the owners' right to develop sites, but will also preserve the indigenous vegetation. It is noted that the area is of particular ecological importance.

Decision Requested:

Support standard 5.4.10.1 insofar as it relates to the statements above.

Submission 78

The submitter is opposed to 5.4.10, particularly 5.4.10.1 and 5.4.10.2 as Forest and Bird is opposed to the indicative residential building sites and indicative driveways on 79 Heke Street and 21 Thatcher Crescent, and is opposed to the two households units being permitted on 11A Huntleigh Park Way.

Decision Requested:

Delete standard and term 5.4.10.1.

Submission 83

The submitter does not support further residential building sites or clearance of the existing bush on any of the 5 properties, but would support any proposal by Council to purchase the land. This is because:

further development can affect the streams in Trelissick Park;

Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;

It is an important bird corridor between Khandallah Park and Otari Wilton's Bush as well as an important ecological corridor to the harbour, Trelissick Park and the outer green belt.

The removal of vegetation and consequent effect on the adjoining forest would run contrary to the Council approved Biodiversity Action Plan.

Decision Requested:

1. Amend DPC61 to allow no more residential building sites or clearance of the existing bush of the 5 properties.
2. Alternatively, our 'fall back' position would allow one indicative residential building site' with associated access driveway on the undeveloped land at 11A Huntleigh Park Way, with the following amendments:
 - The overall height of such a residence should be a maximum of 8m.
 - Indicative residential building site should be defined
 - The maximum area of the indicative residential building site' including the area for landscape architecture and outbuildings/structures in 5.4.10.1 and 2 should be defined. We suggest 450m².
 - In 5.4.10.3, vegetation clearance and earthworks beyond the above 450m² area should be prohibited.
 - Maximum clearance width of bush for the purposes of constructing an access driveway should be 5m.
 - Development should be in accordance with Council's recently updated draft Code of Practice for Land Development

Submission 85

The submitter is opposed to 5.4.10, particularly 5.4.10.1 as it provides for indicative residential building sites and indicative driveways at 79 Heke Street and 21 Thatcher Crescent.

Decision Requested:

Delete standard and term 5.4.10.1.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

“For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
 - Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or
3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner’s current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:

“For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.

- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:
 “Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it's entirety

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an “easy exit” for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 104

The submitters support the plan change as the current rural zoning is inappropriate, and the proposed provisions will restrict further residential development whilst protecting the majority of the native vegetation. The siting of the sections on the eastern side of these sections is also supported for this reason. It is also worth specifying two dwellings as some urban intensification is clearly desirable.

These properties should be a transition between the residential zone and open space. This was the intention of the original zoning and DPC61 represents a return to the original intentions.

From a transport and access perspective, 19 and 21 Thatcher Crescent are more suitable for residential intensification than 11A Huntleigh Park Way and the properties on Heke Street as they are closer to public transport and Ngaio Station.

Decision Requested:

The submitters support DPC61 conditional on standard and terms 5.4.10.1 and 5.4.10.2 being retained so that:

- One building and up to two households is permitted per section.
- Future construction is to be located within the sites indicated on appendix 25 to the District Plan.

2.2.3. - Standard 5.4.10.2

Submission 19

If deletion of rule 5.4.10 is not accepted, the submitter believes that the impact of development should be reduced by allowing only one household unit for each indicative building site (instead of two). This would require amendment to standard 5.4.10.2.

Decision Requested:

Amend rule 5.4.10.2 to allow no more than one household unit for each indicative building site.

Submission 21

The submitter generally supports the standard. The standard will not only preserve the owners' right to develop sites, but will also preserve the indigenous vegetation. It also safeguards the bush closest to the forest remnant to the West of the sections.

Decision Requested:

Support standard 5.4.10.2 insofar as it relates to the statements above.

Submission 75

Our second preference (refer to section 1.3 for a summary of the submitters first preference) is to allow only one dwelling per 'indicative residential building site' (instead of two) and have the indicative building site for 11A Huntleigh Park Way moved further to the west away from the submitters property.

Decision Requested:

Amend rule 5.4.10.2 as follows:

"No more than one ~~two~~ household units shall be permitted on each of the 'indicative residential building sites' as identified in Appendix 25.

Submission 77

The submitter is opposed to the whole plan change, but also considers that amendments should be made to allow only one household unit per indicative building site. This would be more in keeping with the local area, which tends to consist of family homes.

Decision Requested:

Amend 5.4.10.2 to allow only one household unit per indicative building site.

Submission 78

The submitter is opposed to 5.4.10, particularly 5.4.10.1 and 5.4.10.2 as Forest and Bird is opposed to the indicative residential building sites and indicative driveways on 79 Heke Street and 21 Thatcher Crescent, and opposed to the two households units being permitted on 11A Huntleigh Park Way.

Decision Requested:

Modify standard and term 5.4.10.2 to say: Only one household unit shall be permitted on the 'indicative residential building site' as identified in Appendix 25.

Submission 83

The submitter does not support further residential building sites or clearance of the existing bush on any of the 5 properties, but would support any proposal by Council to purchase the land. This is because:

- further development can affect the streams in Trelissick Park;
- Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;
- It is an important bird corridor between Khandallah Park and Otari Wilton's Bush as well as an important ecological corridor to the harbour, Trelissick Park and the outer green belt.
- The removal of vegetation and consequent effect on the adjoining forest would run contrary to the Council approved Biodiversity Action Plan.

Decision Requested:

Amend DPC61 to allow no more residential building sites or clearance of the existing bush of the 5 properties.

Alternatively, our 'fall back' position would allow one indicative residential building site' with associated access driveway on the undeveloped land at 11A Huntleigh Park Way, with the following amendments:

- The overall height of such a residence should be a maximum of 8m.

- Indicative residential building site should be defined
- The maximum area of the indicative residential building site' including the area for landscape architecture and outbuildings/structures in 5.4.10.1 and 2 should be defined. We suggest 450m².
- In 5.4.10.3, vegetation clearance and earthworks beyond the above 450m² area should be prohibited.
- Maximum clearance width of bush for the purposes of constructing an access driveway should be 5m.
- Development should be in accordance with Council's recently updated draft Code of Practice for Land Development

Submission 84

Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City. Huntleigh Park forest is a haven for several of the bird species (tui and kereru) that have returned to Karori Sanctuary. Huntleigh Park forms an important visual backdrop to the City. Allowing residential development on the fringes of the forest has the potential to threaten the flora and fauna of the area. The adverse effects of residential development in Ngaio's 'green' areas have already been acknowledged in the Ngaio Community Plan (2003).

Decision Requested:

1. Our preference is for the land to be purchased by the Council and administered as conservation land.
2. Our second preference is for any development to be restricted to one household unit per 'indicative residential building site' as specified in Appendix 25 of DPC61, with controls to minimise damage to the adjoining forest area.

Submission 85

The submitter is opposed to 5.4.10, particularly 5.4.10.2 because it will allow two additional household units being at 11A Huntleigh Park Way.

Decision Requested:

Amend standard and term 5.4.10.2. to say: Only one household unit shall be permitted on the 'indicative residential building site' as identified in Appendix 25.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 104

The submitters support the plan change as the current rural zoning is inappropriate, and the proposed provisions will restrict further residential development whilst protecting the majority of the native vegetation. The siting of the sections on the eastern side of these sections is also supported for this reason. It is also worth specifying two dwellings as some urban intensification is clearly desirable.

These properties should be a transition between the residential zone and open space. This was the intention of

the original zoning and DPC61 represents a return to the original intentions.

From a transport and access perspective, 19 and 21 Thatcher Crescent are more suitable for residential intensification than 11A Huntleigh Park Way and the properties on Heke Street as they are closer to public transport and Ngaio Station.

Decision Requested:

The submitters support DPC61 conditional on standard and terms 5.4.10.1 and 5.4.10.2 being retained so that:

- One building and up to two households is permitted per section.
- Future construction is to be located within the sites indicated on appendix 25 to the District Plan.

Submission 116

The submitter is opposed to DPC61 as the two households provided for on each of the building sites will have a negative impact, both visually in an area widely viewed, and most importantly on the vegetation. The bush containing kohekohe further up and podocarps lower down will be adversely affected by the construction of the houses and further put at risk by the people living in close proximity. All of the bush will be valuable as a carbon sink and could generate revenues for the City.

The outlook of people in Crofton Downs has already been downgraded by the latest building in that bush, and development provided for by DPC61 will further spoil this outlook.

Decision Requested:

The compromise option should be adopted (Option 2 in the section 32 report) which involves zoning part of the land Outer Residential and the balance area (where no dwellings would be permitted) would be zoned Conservation Site. Development would be restricted to one house per site.

2.2.4. - Assessment Criterion 5.4.10.3

Submission 21

The submitter does not support the assessment criterion as it implies scope for greater clearance of bush outside the residential building sites. The submitter seeks amendment to the criterion.

Decision Requested:

That assessment criterion 5.4.10.3 be reworded as follows:

'The extent to which the development encroaches beyond the 'indicative residential building sites' and thus minimises the amount of vegetation removal and earthworks. This should involve consideration of alternative access earthwork and vegetation clearance options where relevant.'

Submission 77

The submitter is opposed to the whole plan change, but also considers that amendments should be made to assessment criteria 5.4.10.3 to minimise the amount of development beyond the indicative building sites.

Decision Requested:

Amend 5.4.10.3 so that a maximum area beyond the indicative building site is specified.

Submission 83

The submitter does not support further residential building sites or clearance of the existing bush on any of the 5 properties, but would support any proposal by Council to purchase the land. This is because:

- further development can affect the streams in Trelissick Park;
- Huntleigh Park is one of the largest and most significant native forest remnants in Wellington City;

- It is an important bird corridor between Khandallah Park and Otari Wilton's Bush as well as an important ecological corridor to the harbour, Trelissick Park and the outer green belt.
- The removal of vegetation and consequent effect on the adjoining forest would run contrary to the Council approved Biodiversity Action Plan.

Decision Requested:

Amend DPC61 to allow no more residential building sites or clearance of the existing bush of the 5 properties.

Alternatively, our 'fall back' position would allow one indicative residential building site' with associated access driveway on the undeveloped land at 11A Huntleigh Park Way, with the following amendments:

- The overall height of such a residence should be a maximum of 8m.
- Indicative residential building site should be defined
- The maximum area of the indicative residential building site' including the area for landscape architecture and outbuildings/structures in 5.4.10.1 and 2 should be defined. We suggest 450m².
- In 5.4.10.3, vegetation clearance and earthworks beyond the above 450m² area should be prohibited.
- Maximum clearance width of bush for the purposes of constructing an access driveway should be 5m.
- Development should be in accordance with Council's recently updated draft Code of Practice for Land Development

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

2.2.5. - Assessment Criterion 5.4.10.4

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

"For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".
 - Add a new note after rule 5.4.10.9:

"Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A."; or

3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:
 - "For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".
 - Add a new note after rule 5.4.10.9:

"Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B."; or

3. Delete DPC 61 in it's entirety

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an "easy exit" for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units.

We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

2.2.6. - Assessment Criterion 5.4.10.5

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

"For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".

- Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or

3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner’s current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;

2. Amend/delete/add to DPC 61 the following changes:

- Delete Rule 5.1.13.3
- Delete Rule 5.1.13.4
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- Include a new Rule 5.4.10.1(b) to read:
- “For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
- Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
- Delete rule 5.4.10.4.
- Delete rule 5.4.10.5.
- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it’s entirety

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an “easy exit” for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers’ destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

2.2.7. - Assessment Criterion 5.4.10.6

Submission 77

The submitter is opposed to the whole plan change, but also considers that traffic and parking assessments beyond the proposed building site should be undertaken.

Decision Requested:

Amend 5.4.10.6 to enable an assessment of the wider traffic and parking impacts of a proposed development.

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:

- Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
- Include a new Rule 5.4.10.1(a) to read:
 - “For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
- Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
- Delete rule 5.4.10.4.
- Delete rule 5.4.10.5.
- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:
 - “Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or

3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

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If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
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 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
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3. Delete DPC 61 in it’s entirety

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an “easy exit” for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers’ destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops).

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

2.2.8. - Assessment Criterion 5.4.10.7

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the provisions proposed for section 5.4.10 need to be more clearly defined especially the criteria in the Assessment Criteria 5.4.10.3 - 5.4.10.9, and the assessment criteria should seek to ensure the best possible outcome in relation to the ecological effects and visual amenity. This would include criteria such as maximum building heights, minimum clearances etc.

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If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner’s current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

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3. Delete DPC 61 in its entirety.

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3. District Plan Maps

3.1. Rezoning Map

Submission 5

The submitter opposes subdivision and rezoning so as to protect the forest, view, and privacy of current residents.

Decision Requested:

That Council reject the change of zoning from Rural to Residential and related changes.

Submission 6

The submitter opposes the rezoning so as to retain the existing vegetation in the area. Additionally, the submitter opposes the conversion of more hill land and infill housing.

Decision Requested:

That Council reject the rezoning of land from Rural to Residential.

Submission 8

The submitter believes the rezoning of the land should be prohibited

Decision Requested:

Reject proposed zone change from Rural to Residential.

Submission 13

The submitter feels that the zoning should not change as it is very unfair to local residents. It is agreed that the

forest be protected, but it should be the entire forest.

Decision Requested:

That Council reject the rezoning, and maintain Rural status.

Submission 14

The submitter opposes the rezoning of the land as proposed.

Decision Requested:

That the Council does not rezone the land to Residential, and leaves the Rural zoning in place.

Submission 17

The submitter opposes the rezoning of the land as proposed.

Decision Requested:

That the Council reject the rezoning of the land from Rural to Residential.

Submission 18

The submitter believes that the existing rural zoning provides a permanent long-term protection for the flora, fauna, habitats and species within the Huntleigh Park reserve – as such, the zoning should remain. Further, it is stated that the plan change will, in the long term, result in a loss of habitat to Huntleigh Park Reserve greater than maintaining the status quo. The submitter therefore opposes DPC61.

Decision Requested:

That Council reject the plan change and maintain current Rural zoning.

Submission 20

The submitters oppose the rezoning of the land detailed in the plan change as allowing building sites will damage a significant native forest and obstruct existing views.

Decision Requested:

That Council reject the proposal to rezone the land to Residential.

Submission 22

The submitter opposes the rezoning of land from rural to residential. Further, the destruction of the bush in this area would have adverse effects on local ecosystems and potentially on global warming.

Decision Requested:

That Council reject the rezoning, and retain the area as Rural – further, the area should be declared a native reserve.

Submission 24

The submitter opposes the proposed rezoning of the land and the introduction of any further housing or development in the area, as it is an important piece of native bush and should be preserved intact for future generations.

Decision Requested:

That Council reject the rezoning with the proviso that it permanently remains zoned as Rural and can never be subdivided or built upon.

Submission 25

The submitter states that to retain Rural zoning would not deprive owners of any right – but if rezoning occurs, it deprives the rest of the citizens of the feeling of well-being and enjoyment of green areas.

Decision Requested:

That the Council reject the rezoning and allow the properties to remain under Rural zoning

Submission 27

The submitter opposes the rezoning as the area is an important piece of remnant bush, and it would be aesthetically displeasing to have further residential development there.

Decision Requested:

That Council withdraw the rezoning and subsequently, all of Plan Change 61.

Submission 29

The submitter opposes the rezoning. It is submitted that the area contains a significant portion of native bush, and a population of native birds that will be threatened if further development goes ahead. Further, the submitter believes that the area was proposed for protection upon its original development by Leigh Hunt – tying into the corridor linking Karori Sanctuary, Wilton's bush, and the Khandallah Reserve.

Decision Requested:

That Council reject the rezoning of the land from Rural to Residential.

Submission 31

The submitter opposes the rezoning as it will 'give developers/property owners the ability to subdivide and destroy the native flora.' The area contains significant native bush and birdlife, and would be under threat if future development occurs.

Decision Requested:

That Council reject the proposed plan change.

Submission 34

The submitter opposes the zone change as the area is one of the most significant remnant native forests in the city. Allowing buildings in the area would increase the risk of erosion, and introduction of invasive non-native plant species. The submitter is also concerned with a potential loss of view from their property.

Decision Requested:

That Council reject the proposed rezoning from Rural to Residential

Submission 36

The submitter is opposed to the rezoning as greater development will increase traffic and pedestrian risks in the area - which is already sensitive to high traffic flows. Additionally, the development would be detrimental to the well-established native bush and thus, the local bird life in the area.

Decision Requested:

That Council reject the proposed rezoning from Rural to Residential.

Submission 39

The submitter is opposed to the plan change as it could allow for a significant remnant native forest to be damaged. Further, the submitter feels that the forest should be protected for local birdlife, and the enjoyment/amenity of local residents.

Decision Requested:
That Council reject the proposed rezoning from Rural to Residential.

Submission 58

The submitter opposes the rezoning due to concerns that future development could have on the significant bush in the area.

Decision Requested:
That Council reject the proposal to rezone land from Rural to Residential

Submission 60

The submitter opposes the rezoning of the land to residential as set out in DPC61 due to concern for the impact on the local forest, and the traffic along Thatcher Crescent.

Decision Requested:
That the Council reject the rezoning from Rural to Residential.

Submission 62

The submitter opposes the rezoning for fear of losing native bush and threatening local birdlife in the area. Additionally, it will have adverse affects on local residents' outlooks. The submitter notes that residents of Heke Street signed a petition to protect the bush circa 35 years ago – and questions why this is not affecting the proposal.

Decision Requested:
That the rezoning from Rural to Residential be rejected.

Submission 64

The submitter opposes the rezoning – reasons stated are the potential harm to the native bush, the loss of view, the diminishing of property values/appeal, and the threat to local birdlife.

Decision Requested:
That Council reject the rezoning as proposed.

Submission 85

The submitter opposes the rezoning and considers that it is more appropriately zoned Conservation Site due to the ecological significance of the land, it's location adjacent to Huntleigh Park Conservation Site, and the objectives, policies and modified rules applying to Conservation Sites in the District Plan are more appropriate to protect the land from inappropriate development.

Decision Requested:
That Council re-zone the land Conservation Site with appropriate rules for the site, similar, but modified, to the ones proposed in this Plan Change.

Submission 90

The submitter considers the current use, natural bush and character of the land is Rural with very limited existing residential development. An Outer Residential Area zoning is therefore totally inappropriate.

Decision Requested:
The submitter seeks the withdrawal of the plan change.
In the event the plan change is proceeded with the land should remain rurally zoned with a limit of one household

unit per property maintained, and with additional restrictions on how the land may be developed in the future, including specific rules relating to the protection of the existing vegetation.

Submission 92

The submitter considers the Rural Area zoning is inappropriate for the land and supports the intention to protect the native vegetation, but is opposed to further residential development of the land. This includes allowing no further residential dwelling on Huntleigh Park Way, even though the Rural Area zones rules currently permit one dwelling to be erected. The submitter would support Council compensating the landowner for the loss of this development right.

Decision Requested:

The submitter requests that the Council not proceed with the plan change to re-zone the land from Rural to Outer Residential.

The Council should re-zone the land from Rural Area to Conservation Site, with provision for minor activities relating to existing residential uses, subject to conditions designed to ensure the protection of the ecological and landscape values of the native forest, and allow no further (new) residential development on the five sites whether or not via 'Identified dwelling sites'.

Council may wish to consider compensating the owner of 11A Huntleigh Park Way.

Submission 94

The submitter considers it would be a major tragedy to mutilate the native forest unnecessarily – as a native bird sanctuary alone it is extremely significant. Please learn from the experience of previous developments which have resulted in pollution to the Silverstream Stream, causing irreparable damage. The submitter expects that there will be strict controls in place for vegetation as noted in 7 and 8 of option 3.

Decision Requested:

The submitter opposes DPC61 and would prefer the area be zoned Conservation with 1 dwelling per site.

3.2. Appendix 25 Map

Submission 3

The submitter disagrees with the placement of the indicative building along the right-of-way for 83 Heke Street to an 'indicative residential building site' within 79 Heke Street. The submitter believes the proposed map is not the best way to treat future development of 79 Heke Street.

Decision Requested:

That Council amend the Appendix 25 map by deleting the indicative driveway that runs through 83 Heke Street, and replacing it with a new driveway that runs from the north corner of the existing dwelling at 79 Heke Street to the indicative building site. 'The new access way should not interfere with neighbouring premises.'

Submission 54

The submitters generally support the plan change as they agree that the current Rural zoning is inappropriate, and thus provides no firm protection against bush clearance in the area's significant forest. The submitters seek amendment to the proposed plan change, however, as they believe that Option 2a (as set out in the Section 32 Report) is a more appropriate way to facilitate the future residential development of the area. The plan change as proposed does not clearly communicate the conservation aspect, which (if included) would provide a clear message as to the importance of the land as a significant native forest. Further, the submitters state that Option 1 will allow for:

- individuals to covenant as they wish,
- local residents to gain comfort via the vesting of portions of land for conservation purposes, and

- the land owners to develop their property in a controlled manner

Decision Requested:

That Council approve Plan Change 61 subject to a modified subdivision/development plan that matches Option 2a as set out in the Section 32 Report.

Submission 63

The submitter opposes the size and number of residences included in the Appendix 25 map. The submitter wishes to see as little disturbance to the native bush as possible.

Decision Requested:

No specific decision is requested other than the general opposition cited above. A further comment was, however made that infill housing should be 'minimised.'

Submission 65

The submitter supports the inclusion of no more than three building sites in the area, placed in the least ecologically significant places. Further, the submitter wishes for no deforestation to occur in any other portions of the area other than that required for the buildings.

Decision Requested:

That the location and number of indicative building sites, as proposed in the plan change, be supported.

Submission 74

The submitter is concerned that the indicative building sites are not given a maximum size. It is stated that there should be full disclosure of the extent to which the bush in the area defined by these sites can be cleared. Further, the submitter states that any residential development to 11A Huntleigh Park Way should be restricted to one household unit, or should be purchased by Council to mitigate any adverse effects on the surrounding environment. The submitter is also opposed to the inclusion of building sites and driveways at 79 Heke Street and 21 Thatcher Crescent.

Decision Requested:

That Council:

1. define the size of the indicative building sites
2. purchase 11A Huntleigh Park Way, or allow only one household unit to be built on the relevant indicative building site.
3. remove the indicative building sites and indicative driveways on 79 Heke Street and 21 Thatcher Crescent.

Submission 75

Our second preference (refer to section 1.3 for a summary of the submitters first preference) is to allow only one dwelling per 'indicative residential building site' (instead of two) and have the indicative building site for 11A Huntleigh Park Way moved further to the west away from the submitters' property.

Decision Requested:

Amend Appendix 25 Map by moving the indicative building site for 11A Huntleigh Park Way from the eastern part of the property further to the west (as indicated on a map presented with the submission).

Submission 77

The submitter is opposed to the whole plan change, but also considers that the indicative building sites need to be represented on Map Appendix 25 in a more realistic manner.

Decision Requested:

Specify the maximum land area allowable for each building site, and the maximum land area beyond the indicative site that vegetation removal and earthworks is allowable.

Submission 78

The submitter is opposed to the indicative residential building sites and indicative driveways on 79 Heke Street and 21 Thatcher Crescent.

Decision Requested:

Modify Appendix 25 by removing the indicative residential building sites and indicative driveways on 79 Heke Street and 21 Thatcher Crescent.

Submission 85

The submitter does not support additional residential development on 79 Heke Street and 21 Thatcher Crescent.

Decision Requested:

Delete indicative residential building sites and indicative driveways at 79 Heke Street and 21 Thatcher Crescent as indicated in Appendix 25.

Submission 89

The submitter considers the land has high amenity, and landscape value and any development along the spur that leads down from Huntleigh Park Way to Thatcher Crescent should be discouraged if at all possible. If any development goes ahead it needs to be carefully controlled through height restrictions and careful placement of buildings. The property rights of adjoining landowners and residents in the area must also be considered in a manner similar to the landowners.

The land is ecological important with the remnant native forest home to native fauna including forest gecko and ornate skink. Preservation of these species are considered of national importance under Section 6(c) of the Resource Management Act 1991.

Decision Requested:

If DPC61 is adopted then the 'indicative residential building sites' in Appendix 25 need to be more clearly defined.

Submission 93

The submitter supports the change to Outer Residential Area but opposes the new rules 5.1.13, 5.4.10 and Appendix 25 as the Council has not considered all viable options for the land. The rules are draconian and ride roughshod over property rights. The Council has overstated the value of the Huntleigh Park Bush; it is not remnant bush.

Decision Requested:

The Council should purchase the land and complete a management plan for the area if it thinks it is truly an issue.

Alternatively, the Council should withdraw the plan change.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

"For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules "where relevant".
 - Add a new note after rule 5.4.10.9:

"Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A."; or
3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:

"For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the

construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.

- Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
- Delete rule 5.4.10.4.
- Delete rule 5.4.10.5.
- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it's entirety

Submission 104

The submitters support the plan change as the current rural zoning is inappropriate, and the proposed provisions will restrict further residential development whilst protecting the majority of the native vegetation. The siting of the sections on the eastern side of these sections is also supported for this reason. It is also worth specifying two dwellings as some urban intensification is clearly desirable.

These properties should be a transition between the residential zone and open space. This was the intention of the original zoning and DPC61 represents a return to the original intentions.

From a transport and access perspective, 19 and 21 Thatcher Crescent are more suitable for residential intensification than 11A Huntleigh Park Way and the properties on Heke Street as they are closer to public transport and Ngaio Station.

Decision Requested:

The submitters support DPC61 conditional on standard and terms 5.4.10.1 and 5.4.10.2 being retained so that:

- One building and up to two households is permitted per section.
- Future construction is to be located within the sites indicated on appendix 25 to the District Plan.

4. Section 32 Report

Submission 77

The submitter questions the reliability of the statement under section 7.2 Alternative methods, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that the land is not difficult to access and can be achieved from 11A Huntleigh Park Way, and from the Girl Guide property.

Decision Requested:

No decision has been requested.

Submission 78

The submitter disagrees with the comment under section 7.2 Alternative methods, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that the land is not difficult to access and can be achieved from 11A Huntleigh Park Way and from the covenanted land off Silverstream Road.

Decision Requested:

No decision has been requested.

Submission 78

The submitter considers that the Plan Change fails to meet the Act's 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.

The section 32 report has not adequately assessed the costs and benefits of the plan change and fails to adequately represent the submissions received in opposition to the pre-notification consultation, of which many opposed further residential development and wanted protection of the indigenous vegetation.

Plan Change fails to meet the Act's 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.

The submitter disagrees with the comment under section 7.2 Alternative methods, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that the land is not difficult to access and can be achieved from 11A Huntleigh Park Way and from the Girl Guide property.

Decision Requested:

No decision has been requested.

Submission 85

The submitter considers that the Plan Change fails to meet the Act's 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.

The section 32 report has not adequately assessed the costs and benefits of the plan change and fails to adequately represent the submissions received in opposition to the pre-notification consultation, of which many opposed further residential development and wanted protection of the indigenous vegetation.

Plan Change fails to meet the Act's 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.

Decision Requested:

No decision has been requested.

Submission 89

The submitter disagrees with the comment under section 7.2 Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. The submitter considers that the land is not difficult to access and can be achieved from 11A Huntleigh Park Way and from the Girl Guide's property, and northern public access to the Park is through a narrow track further up Huntleigh Park Way.

Decision Requested:

Council should purchase 11A Huntleigh Park Way to improve public access to this land.

Submission 96

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 11A Huntleigh Park Way, when such land is capable of uses by the submitter permitted by the zone.

If the site is ecologically significant, the Council should purchase it at market value in a transparent manner and provide this as public reserve.

The location of the house site on the land at 11A Huntleigh Park Way (as proposed in Appendix 25) appears to be randomly generated as it is not possible to gain practical access to the proposed site. These rules prevent a more practical option being pursued. DPC 61 places a significant private burden on the land owner and the major benefits accrue to the public generally.

DPC 61 ignores the private owner's current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the

submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 11A Huntleigh Park Way is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Amend rule 5.4.10.1 to exclude reference to Huntleigh Park Way, Ngaio;
 - Include a new Rule 5.4.10.1(a) to read:

“For 11A Huntleigh Park Way, Ngaio, the erection, of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25A.
 - Include a new Appendix 25A, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.
 - Delete rule 5.4.10.5.
 - Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
 - Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to Huntleigh Park Way, Ngaio having been considered in Appendix 25A.”; or
3. Delete DPC 61 in its entirety.

Submission 97

The submitter considers DPC 61 is an attempt to impose a conservation zone in everything but name upon the land at 83 Heke Street, when such land is capable of uses by the submitter permitted by the zone. DPC61 does not provide any benefit in terms of identified houses for 83 Heke Street.

The indicative driveway shown in Appendix 25 to access 79 Heke Street is impractical and provides a benefit to the property at 79 Heke Street. There is a considerable restriction on the use of the land at 83 Heke Street without any benefit to that land. DPC 61 ignores the private owner’s current rights and would render private land incapable of reasonable use and places an unfair burden on the submitter

If the site is ecologically significant the Council should purchase it at market value in a transparent manner and provide this as public reserve.

There is no proper section 32 analysis and in particular no proper economic assessment of the impact on the submitter in relation to this very specific plan change.

DPC61 is inconsistent with Part 2 of the Resource Management Act 1991.

Decision Requested:

1. That DPC 61 be amended so that 83 Heke Street is zoned Outer Residential with a notation that when a subdivision is approved, a portion of the area be marked Bush Covenant and be gifted to the Council in lieu of any development/reserves contribution;
2. Amend/delete/add to DPC 61 the following changes:
 - Delete Rule 5.1.13.3
 - Delete Rule 5.1.13.4
 - Amend Rule 5.4.10.1 to exclude reference to 83 Heke Street, Ngaio;
 - Include a new Rule 5.4.10.1(b) to read:

“For 83 Heke Street, Ngaio, the erection of new residential buildings, residential structures and the construction of new driveways shall be restricted to the indicative survey plan lodged as Appendix 25B.
 - Include a new Appendix 25B, introducing an indicative survey plan for the subject site.
 - Delete rule 5.4.10.4.

- Delete rule 5.4.10.5.
- Amend rules 5.4.10.6 to 5.4.10.9 to add the words at the end of each of the rules “where relevant”.
- Add a new note after rule 5.4.10.9:

“Note: For the avoidance of doubt, rules 5.4.10.3 and 5.4.10.6 to 5.4.10.9 are not relevant to 83 Heke Street, Ngaio having been considered in Appendix 25B.”; or

3. Delete DPC 61 in it's entirety

Submission 102

The submitter is opposed to the re-zoning of the land now that the Biodiversity Report has come into effect. The plan is an “easy exit” for the Council to put a temporary halt on development, which will however continue to be sought as the years roll on. Council needs to consider the conclusions of the three independent reports that the Council commissioned which show the need to save the highly ecologically significant Ngaio Forest from developers' destruction.

The Section 32 report is not consistent with sustainable management, and is contrary to sections 5, 6, 30 and 31 of the Resource Management Act 1991, and to Policy 4.2.5.2. (protection of ridgelines and hilltops)

Decision Requested:

Permanent protection of the land through a conservation zoning is appropriate, and there should be no further residential development on any of the land. It is unacceptable that DPC 61 allows one building site to have two household units. We therefore do not support 5.1.13 – 5.1.13.3, 5.4.10-5.4.10.9.

Submission 109

The submitter disagrees with the comment under section 7.2 Alternative methods in the section 32 report, in which Council states that purchasing the land and managing it as part of Huntleigh Park Conservation Site was considered impractical as the land, which is largely landlocked, is difficult to access. A more detailed analysis of this option is essential. It is the preferred option of at least 18 residents in the area and at least one of the landowners.

Consultation ought to have been wider than the ‘residents in the immediate vicinity of the land’ as Crofton Downs residents in the wider area value the visual amenities of the native bush. There is development occurring within the vicinity which should be sufficient for the foreseeable future.

The submitter considers that as the current rural zone provisions do not provide for any further development it is unlikely that the land would be cleared.

Further consideration needs to be given to:

- existing landowners placing forest protection covenants over the land,
- the use of indigenous vegetation clearance rules to prevent clearance of any of the land without recourse to Council;
- the land being held in private reserve, similar to 16 Silverstream Road.

Decision Requested:

1. The land should be zoned conservation, and ensuring permanent protection of the forest should be a priority.
2. No further residential development should be allowed on this land.
3. The proposed plan change should not go ahead.