

# Wellington City Proposed District Plan

## Oral Submission on Rural and Open Space - Andy Foster

### Introduction

My name is Andrew JW (Andy) Foster.

From October 1992 until October 2022 I was an elected member of Wellington City Council, including being Mayor for the last three years. I am now a Member of Parliament.

Over my thirty years on Council I chaired many committees, generally responsible for overall City Strategy, Transport, Infrastructure, Urban Planning and the Natural Environment. I was intimately involved in the current ODP including being a member of or chairing many subject area hearings as well as the special sub-committee tasked with resolving appeals. I was equally heavily involved in most of some ninety four Plan Changes and Variations to the Operative District Plan. I have also been involved in the Spatial Plan and the PDP until its notification. Throughout those thirty years I also sat on many consent hearings and was an accredited commissioner until last year.

In particular, throughout my thirty years on Council I was the consistent leader of the drive to create and largely complete the protection from development of the city's natural reserve network, particularly the Outer Green Belt through a long series of acquisitions and through planning protections notably zoning and ridgeline and hilltop protections. (acquisition list at Appendix 1)

That work gave effect to the vision of a now almost complete Outer Green Belt along the western edge of the city.

We also recovered areas of former Town Belt, and progressively protected the harbour escarpment.

I have also been a consistent advocate for creation of a national heritage park on Miramar peninsula.

### Overview

Wellington's relatively undeveloped ridgelines and hilltops are a defining part of what makes Wellington special and beautiful. They are valued for their landscapes, for the ecological values they host, and for the range of recreational activity people enjoy on them. They are a very easily accessible place to escape the city. Importantly they define the boundaries of the Urban Area. All these values are well set out in many Council documents including the Wellington Outer Green Belt Management Plan. I do not know of any other city which has such exceptional access to nature, and such a comprehensive track network to enjoy nature.

Wellington City is also regarded as a world leader in environmental restoration.

That is built on the world-renowned Zealandia eco-Sanctuary, on extensive pest control and community involvement, on natural and assisted revegetation, and crucially for this issue – on the protection of landscapes on which all this restoration and activity can occur.

The value of these landscapes and ecology is recognised in PDP Strategic Objective NE 01

*“The natural character, landscapes and features, and ecosystems that contribute to the City’s identity and have significance for mana whenua as kaitiaki are identified, recognised, protected, and, where possible, enhanced.”*

My submission was a further submission responding to three original submissions all of which sought to change long standing Open Space or Rural zoning of prominent largely or wholly undeveloped landscapes in our city.

- 1 Crows Nest above Ngaio and Crofton Downs by Kilmarston Ltd
- 2 Otari Farm above Karori by Parkvale Road Ltd
- 3 Mount Crawford and the northern end of the Miramar peninsula by Taranaki Whanui

All three have been zoned rural (Karori) or open space (Miramar) or a combination of largely open space and some rural (Crows Nest) for the entire thirty year life of the Operative District Plan.

None of them have ever been zoned for residential purposes. (to be clear here I am excluding the specifically residentially zoned lower northern slopes of Crows Nest)

In the Proposed District Plan as notified by Council in 2022 all three retained those zonings. The original submissions seeking changes to zonings have not been through a plan change process and therefore the public will generally not be aware of them. This must reduce the weight they carry.

The Section 42a report also recommends the retention of those zonings except for one area of the Karori site. I also note that only Parkvale Road Ltd has appeared before you, which significantly affects the weight you can place on the submissions by Kilmarston and Taranaki Whanui.

## **The Outer Green Belt**

Karori and Crows Nest are both identified gaps in the Outer Green Belt. Council’s Outer Green Belt Plan clearly identifies the desire to close those gaps as shown on the map below.

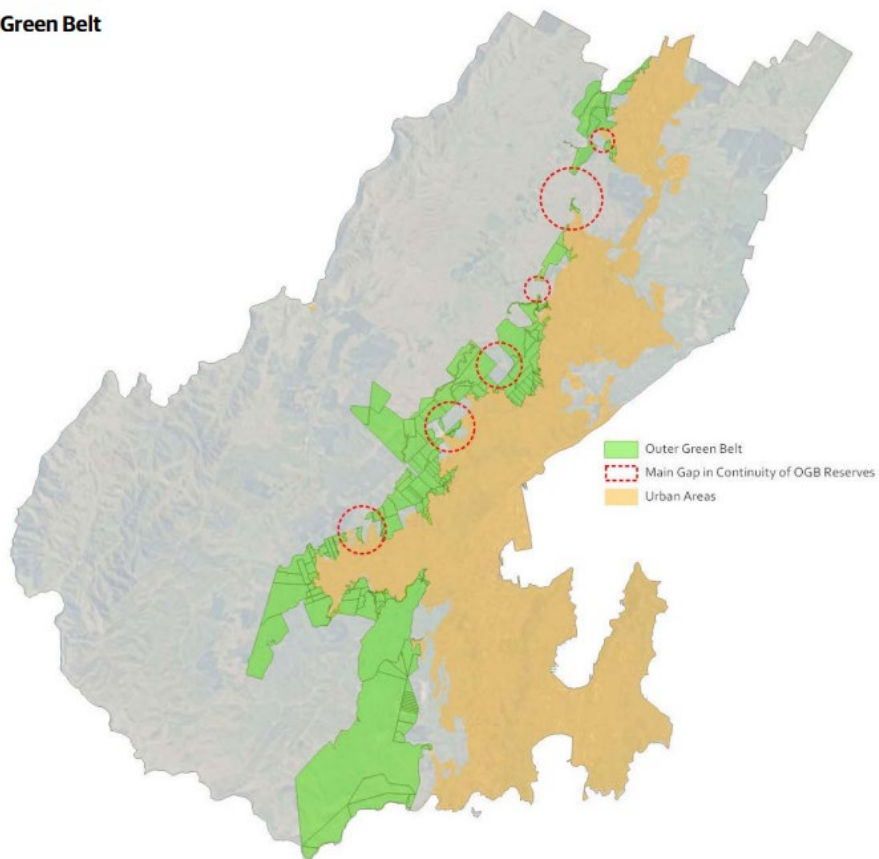
The gaps in the OGB from south to north as per the map below are:

1. Karori (subject of this submission)
2. Crows Nest (subject of this submission)
3. Mt Kaukau summit (owned by the Crown through SOE Kordia Ltd, and unlikely to be at any risk given open space zoning, 445m elevation, being surrounded by Council land on the city side, and being a very popular recreational destination.
4. Johnsonville – land acquired by Council from Transpower since the PDP was notified.
5. Bests Ridge – largest circle. Council acquired land immediately to the south of this property in 2018, and the Airstrip land immediately to the north in the early 2000s.
6. Northern end of Stebbings Valley – junction of Bests Ridge and Marshall Ridge. Has been the subject of discussions over many years between Council and the landowner. Likely to be resolved as development plans are finalised. (Future Urban Zone)

In short, with the satisfactory resolution of the Karori and Crows Nest sites in accord with the PDP zoning (exception of one area of Karori land as noted below), S42a report, and my submission (which are all aligned) the long held aspiration of a complete Outer Green Belt from South Coast to Porirua city boundary will be oh so close to complete.

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## Outer Green Belt



I'll read part of the first two objectives in the OGBMP:

1 – Natural skylines, undeveloped ridges and hills, and healthy native forests and streams are the foundations of the Outer Green Belt.

The natural values and relatively values and relatively natural character of the Outer Green Belt is its essence. The desire to preserve that character and rugged backdrop prompted the Outer Green Belt to be established in the first place.

2 – Continuity and connectivity is fundamental to the Outer Green Belt concept.



Crows Nest is a very prominent peak in Wellington, without any structures on it at all. The ridgelines and hillsides to the south of Crows Nest are visually prominent and largely covered in advanced revegetation and some primary remnant bush. The southern side is contiguous with Huntleigh Park Bush reserve which would generally be regarded as second only to Otari Wilton's Bush in the quality of vegetation in Wellington City.

Most of it has been assessed as worthy of ridgelines and hilltops protection in the ODP, now to be upgraded to special amenity landscape in the PDP.

Many years ago as part of contentious hearings on the Operative District Plan, the Environment Court granted limited residential development rights for 49 houses on the lower, north east part of the site below the unformed legal road below Crows Nest. These are covered by a Special Appendix in the Operative Plan residential chapter. This residential area also includes some areas deemed worthy of being significant natural areas, as does the open space / rural part of the property.

As part of that arrangement, as soon as any physical works started the Council would be able to buy Crows Nest itself at an already agreed price. However for thirty plus years no physical works have ever been commenced, so that arrangement has not been enacted.

All that still left the southern slopes to be resolved.

I've been involved in facilitating discussions for many years between Council and the owner and his representatives about a deal to protect the important values of the land while allowing development on the lower northern slopes. There have been ongoing discussions for Council to buy the open space and rural land.

The sticking point is price.

The developer came up with a rural residential proposal for the southern slopes which I submit would be enormously damaging to the landscape and to the significant natural areas. I have been unable to relocate a copy of the plan, but essentially it involved a very long and winding private road and attached cul de sacs, starting from the residentially zoned area and zig zagging its way up towards the ridgeline and then right down the hillface before exiting onto Silverstream Road. Approximately 12-20 rural residential lots were envisaged. The impact on the completely undeveloped landscape would be very significant. The impact on vegetation would also be very significant. The bottom end of the property has particularly good, advanced regeneration bush including podocarps. (photos below)

I would encourage a site visit especially to the bottom end of the property. (you will need to cross the narrow stream there to access it)





*Crows Nest peak and south – western slopes – most advanced vegetation on the lower slopes*

*Huntleigh Park is not shown but is immediately to the left of this photo*





*Outer Green Belt above new end of Silverstream Drive. Crows Nest is the right hand peak*





*View of Crows Nest from new BUPA development looking across Crofton Downs shops*



*Sample picture of bush on southern slopes and view from Silverstream Road*



They based price expectations on the likelihood of development of this area. I think they are completely unrealistic in this expectation and hence they have overpriced their expectation.

My submission is that this land has never been zoned for development of any sort. The landscape values are unquestionably very high. The ecological values are also unquestionably very significant – especially on the lower – middle slopes. Development of the sort being suggested by Kilmarston would have a significant adverse effect and would fly in the face of the ODP, the PDP, the S42a report, the OGBMP and many other Council policy documents - and of any reasoned assessment of the site's values.

IMO rejecting rezoning will be likely to encourage the landowner to be more realistic about the financial value of the land, and to reach an agreement with the Council to protect its environmental values. I ask you to retain the Open Space and Rural zoning.

### **Relief sought**

**That submission 290 is declined in respect of any rezoning, uplifting of Ridgeline and Hilltop status, removal of Significant Natural Area status, or changes in objectives, policies and rules to allow large lot rural residential development on the southern part of the site.**

**That submission 290 is allowed in agreeing the submitter's request to uplift the Special Amenity Landscape from the northern part of the site broadly below the unformed legal road, and to allow an appropriately designed reservoir to be located on the Rural – Open Space land to the south of Crows Nest.**

**That the Commissioners encourage Council and Kilmarston to continue negotiations to reach a fair price for Council to acquire the balance of the site.**

**To consider whether these requests should form a collective package.**

## **Parkvale Road Ltd (Karori)**

This land has always been zoned rural. A substantial part of the farm has been covered by the Ridgelines and Hilltops overlay first notified in 2005 and made operative in 2009.

Council has had a long interest in this wider land area, to complete the Outer Green Belt between Karori Park and Johnston Hill and the Kilmister Tops.

In the early 2000s we were able to acquire 70 hectares from Meridian around Johnston Hill.

As we have already seen that still left a clearly identified gap in the Outer Green Belt as shown in the Outer Green Belt Management Plan.

It is important as a backdrop to Karori, and for its landscape and recreational values. Substantial parts of the wider farm are ecologically important. They are proposed to remain rural and are not in contention.



*View of Parkvale Road land – centre. Johnston Hill upper right, reserve land and Shotter St top left.*

*(Photo from Wright Hill carpark)*

The Council endeavoured to acquire the land in toto some 4 years ago, but was outbid.

We (Council) had real concerns about development above Montgomery Avenue with access right across the main ridgeline, and potential for rural residential development along the ridgeline to the north of Parkvale Road because of the visual and continuity impacts and having owners' vehicles



accessing along the paper road currently used for recreational purposes. Council is very familiar with the conflict this sort of activity causes on Hawkins Hill Road.

Council subsequently continued to negotiate with the new owner Jon Thompson who I have also met. You have heard from Parkvale Road Ltd this morning.

I am delighted that we have a very satisfactory outcome for all parties which I hope the hearings panel will endorse.

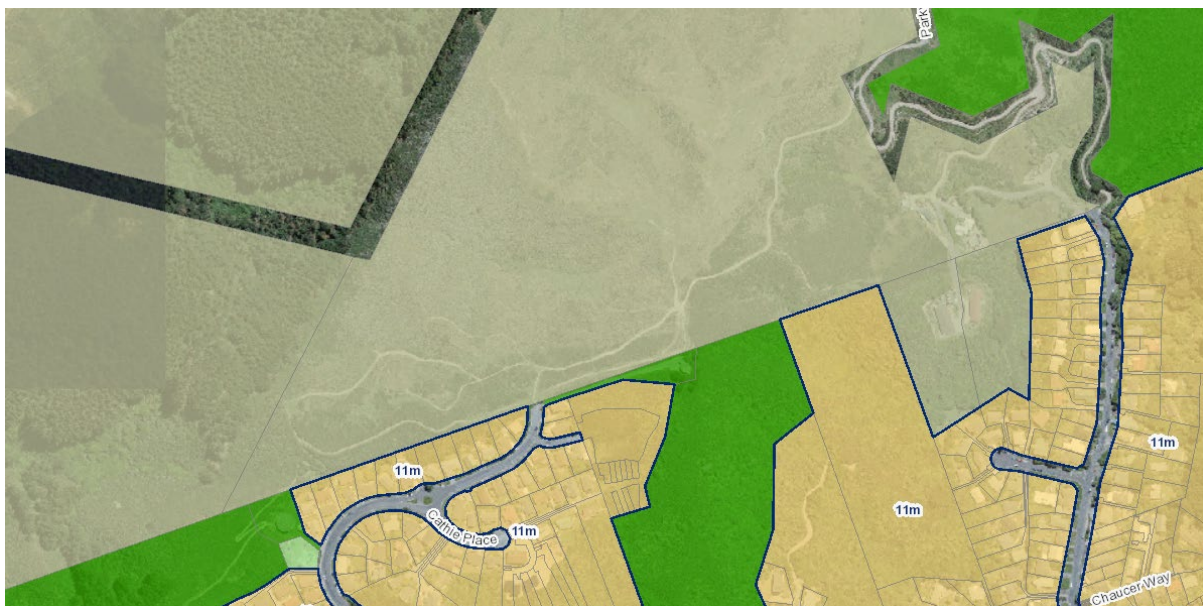
There is agreement for Council to acquire the southern end of the property – closing the gap between Karori Park and Johnston Hill, and to acquire areas to the north along the ridgeline meaning there will be no development along the northern ridge.

That will as I understand it leave Parkvale Ltd with the rural backblocks and 3-4 hectares directly off Parkvale Road.

Jon Thompson is protecting wetlands and actively revegetating the back blocks down into North Makara stream which is excellent.

I agree with Parkvale Ltd's request, endorsed by the S42a report, to rezone from rural to residential the 3-4 hectares of land below the paper road directly above Parkvale Road. It is largely hidden by the landscape from Karori and development, located and designed appropriately, should not impact on the landscape. There should be careful consideration also of design in relation to the public walkway – aka the paper road which it will bound onto.

To ensure this in the following hearing stream you will still have to consider carefully the ridgeline and hilltop and amenity landscape provisions on the southern end of this area in particular. I am assured from my discussions with Mr Thompson that they are not wishing to develop into this area, so I am confident that with the package of Council acquisitions, rural and ecological area management by Mr Thompson and facilitating a well-designed residential development of this 3-4 hectare area you will be able to achieve an excellent outcome here.



The formed paper road is clearly visible. It is a popular access point into the OGB from Parkvale Road up to the Skyline. Council has already acquired the land coloured green top right of the map to the

north and east of the paper road. (includes the western slopes of Johnston Hill) The deal with Parkvale Road Ltd will 'close the gap' all the way from this Council land to the back of Karori Park (bottom left of the map). The area to be left for development is the land below and to the south-west of the paper road.



## **Miramar – Watts Peninsula, Matai Moana, Mount Crawford**

The headland of Miramar Peninsula, Mount Crawford, Matai Moana is of exceptionally significant landscape character, visible from right around Wellington Harbour, and from large parts of both Wellington and Hutt cities. It is a clear, undeveloped green landscape right in the heart of the harbour.

There is a long planning history here.

It has never been zoned for residential development. Prior to the ODP being notified in 1994 it was held for Defence (75ha) and Corrections (13ha) purposes. Most of the former structures there (a modest number of prison and military houses) are long gone. The exceptions are the prison and various military heritage sites. There are also several pa sites and a prison garden on the land. Since 1994 it has been zoned Open Space – without any contest.

The land is of immense interest to the wider community as well as iwi. The community and many iwi members have shown their passion for the protection of this wider area in the 8 year fight to prevent unsympathetic, over-intensive development of Shelly Bay immediately below Mount Crawford. That development was proposed by Taranaki Whanui and the Wellington Company.

That fight was caused by use of Special Housing Act legislation that prevented community involvement in the consent process and overrode the Environment Court's carefully constructed District Plan rules and enjoinder that any development planning fully involve the community. The ultimately successful fight involved multiple court cases, extensive political battles and a 525 day occupation by iwi members who did not want the proposed development.

With the purchase of Shelly Bay by Sir Peter Jackson and Dame Fran Walsh that development has gone and with it I assume Taranaki Whanui's request to increase DP heights at Shelly Bay.

With respect to Mount Crawford, in 2011 the then Minister of Treaty Relations, Chair of PNBST, Mayor of Wellington and Chair of the Regional Council announced the aim of creating a heritage park – at least on the 75 ha Defence Land. There was no announcement made about the Corrections land

<https://www.newshub.co.nz/general/huge-chunk-of-miramar-peninsula-to-become-public-park-2011110115>

<https://www.stuff.co.nz/dominion-post/5887335/Miramar-peninsula-to-become-public-reserve>

There have been subsequent allocations of funding by both the Crown and Council.

Cabinet recognised in several papers the importance of involving the community in any decisions were there to be any development proposals.

There were some initial discussions involving community.

However for the last 11-12 years community and even Council have been excluded from any involvement, and discussions have only involved the Crown and Taranaki Whanui or its development arm.

Taranaki Whanui have sought to acquire the land for development purposes and to bypass community involvement. They applied in 2022 for fast tracking under Covid legislation of a 600-700

dwelling plus associated commercial premises and a cable car. The application was rejected by the then Minister for the Environment who deemed – quite rightly – that it should go through the normal RMA process.

The long-standing protections in place in the ODP – zoning, ridgelines and hilltops and the PDP's additional proposed protections – special amenity landscape and significant natural areas – are there for a purpose and have been thoroughly considered.







*Miramar's Watts Peninsula – clearly prominent undeveloped landscape (view from Khandallah)*

The submission from Taranaki Whanui if accepted would remove all those protections, many of them long standing and uncontested for decades, from Te Motu Kairangi / Watts Peninsula and make community involvement much less likely, and limit the need for developers to allow any community involvement.

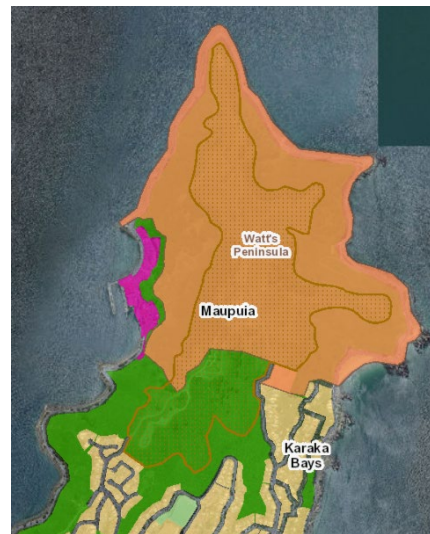
As the S42a assessment says, they also lack any evidence at all to support their request.

On all these basis I strongly oppose Taranaki Whanui's submission.

Meanwhile, I am working with a substantial number of community, environmental, iwi, education, heritage and recreational groups. We are together completely in agreement that protecting the natural and environment key heritage values is critical and that genuine engagement with the wider community on the long-term future for this special area is essential.

I completely agree with the S42a report that if there is to be any built activity then our emphatic view is that it must be done through a specific plan change process which would allow all the – many, many – people and organisations who care about this important area – to participate fully. IMO the right approach is to arrange a proper community consultation process in advance of any plan change process, so that all parties can work collaboratively together to determine its future. We are ready to do that.

Map of the Opportunity Site from the Spatial Plan    Map of the Area from Proposed District Plan



*Green is open space zoning. Orange is open space zoning and Special Amenity Landscape.*

All the other Opportunity Areas are about development first and foremost. Watts Peninsula quite clearly is not. For example Strathmore Park is all zoned MDRA residential. This is quite different. The purpose of calling these areas 'Opportunity Areas' is that there will be a need to review planning arrangements once there is a plan. Taranaki Whanui are asking to change the planning arrangements before there has been any public engagement on a plan for Watts Peninsula. That, I submit, is completely the wrong order.

Council and the community have been actively requesting the opportunity to engage on the future of this land for well over a decade. That has not been allowed to date.

Taranaki Whanui also complain that Council has not engaged with them adequately over the Proposed District Plan, though they appear to acknowledge that information regarding Watts Peninsula was sent to Government who actually still own Watts Peninsula.

It's certainly worth noting that Council, and I personally, have on multiple occasions sought to have Council involved in discussions about the future of Watts Peninsula, as a precursor to wider community consultation. Those approaches have been made both to Government and to Taranaki Whanui. To date Council has been consistently told to 'wait'.

I note Taranaki Whanui's submission includes the MOU with Council saying:

"As significant land owners at Shelly Bay, the parties recognise the importance of working together to ensure a wider strategic vision for the Miramar Peninsula is achieved for all citizens."

With the greatest of respect to all parties that must mean engaging with all citizens, rather than deciding what will happen in secret and then running a token engagement process. The Council and community have been desperately keen for years to work together to develop a master plan for Shelly Bay and Watts Peninsula. This land is important to everyone, but to date both Council and community have been kept out by Government and Taranaki Whanui despite repeated approaches and requests and multiple commitments dating back to 2011. The community has already been shut out of Shelly Bay, and does not want to be shut out of Watts Peninsula, and neither does the Council. Removing all the protections as Taranaki Whanui leadership are requesting means the

community would be disempowered, and existing planning protections would all be gone. We have seen how badly that has played out once already at Shelly Bay.

There will be a range of preliminary views about what, if anything should be built on Watts, and on what parts of the landscape. I would stress that in all my time as an elected member, what the community wants is the planning rules to follow the wider discussion about the future uses, not the planning rules to come first.

My submission is that I:

1 – **oppose** Taranaki Whanui's request to remove the Open Space zoning which has been in place, uncontested by the owners, for at least 30 years. The current Open Space B zoning does not anticipate any built development and therefore there is no legal or reasonable expectation that there should be any development here.

2 – **oppose** the removal of the Ridgelines and Hilltops overlay which has been in place since 2009, again uncontested. This reflects how highly visible the landscape is from all around the harbour, and that this has been acknowledged by expert landscape advice to Government.

3 – **oppose** the removal of Special Amenity Landscape overlay. While this is a new restriction it is based on professional evidence to the Council and has been part of the proposed District Plan from the outset, again because of the visual prominence of the land.

4 – **oppose** the removal of the Significant Natural Areas overlay. This reflects the natural biodiversity values of the area. It is particularly important because of the fantastic kaitiaki work that has been done, and all the investment of time, aroha and money, to remove predators from Miramar Peninsula, which is world leading work. Retaining this SNA overlay also fits with the proposed National Policy Statement on Indigenous Biodiversity which is intended to be gazetted shortly.

5 – **support** the relevant parts of the submission of the Director General of Conservation supporting the maintenance and extension of significant natural areas. While I consider there is further work to do in respect of supporting landowners where significant natural areas are in residential areas, that is not the case here, and I submit that the SNA status should remain. Again it is supported by expert assessment.



## Other Matters

### Papakāinga

Taranaki Whānui's submission says:

*"Relief sought: Taranaki Whānui requests that the PDP be amended to include:*

- 1. A definition of Papakāinga*
- 2. Objectives, policies, rules and standards that enable Papakāinga to be developed in the residential, rural, commercial and mixed use, and open space and recreation zones as a Permitted Activity.*
- 3. Objectives, policies, rules and standards that enable Papakāinga to be developed in SAL's and the Ridgeline and Hilltops overlay as a Restricted Discretionary Activity.*

I think it is important that papakainga are allowed for in the Plan, but not in open space zoned land, any more than any other building would be permitted.

The problem with Taranaki Whānui's submission is that it is completely open ended about definition, location, size, design, height – and therefore potential impacts. I think it is quite reasonable that papakainga be allowed in areas where that level of development is anticipated. For example in residential areas allowing 11 metre heights, and the appropriate level of site coverage. That does not apply in ridgelines, special amenity areas, or open space. For Watts Peninsula this again means that any papakainga could only occur following a community master planning process, and as part of any follow up community supported plan change process.

I **support the request in part** as it applies to zones where housing development of equivalent scale, height, site coverage is expected. For clarity that excludes open space and recreation zones and limits scale in rural areas.

#### Relief sought

- 1. That submission 389 is declined except that the Plan be clarified to allow for papakainga in residential, commercial, mixed use and rural areas subject to rules appropriate to each zone in terms of site location, size, height, bulk, design.**
- 2. That Taranaki Whānui be encouraged to engage with Council and the wider public with the objective of master planning the future of Te Motu Kairangi / Watts Peninsula.**

**I request the opportunity to be heard.**

**I am happy to work with other submitters on this matter.**

## Appendix One

### The relevant history of the City's Reserve Network over the last thirty two years (1992 – 2024)

In that thirty years there have been substantial recoveries of land to the Town Belt.

- The southern end of Te Ahumairangi Hill has been recovered (two purchases)
- The Chest Hospital Site has been recovered (deal with Government)
- Land at Abel Smith Street (purchase)
- Other lands have been added to the Town Belt including Rangiohua (western slopes of Te Ahumairangi Hill - purchased)
- Land to the south of the Town Belt has been added and while not formally part of the Town Belt is a physical extension from the southern end of the Town Belt.
- Oku Street Reserve (purchased)
- Tawatawa Ridge (two purchases and repurposing land from road / development to reserve)

There have been a range of other acquisitions

- Orouaiti (part purchased)
- Trelissick Park (several small purchases)
- Grenada North – Horokiwi (purchase)

Harbour Escarpment – (number of reserve contributions)

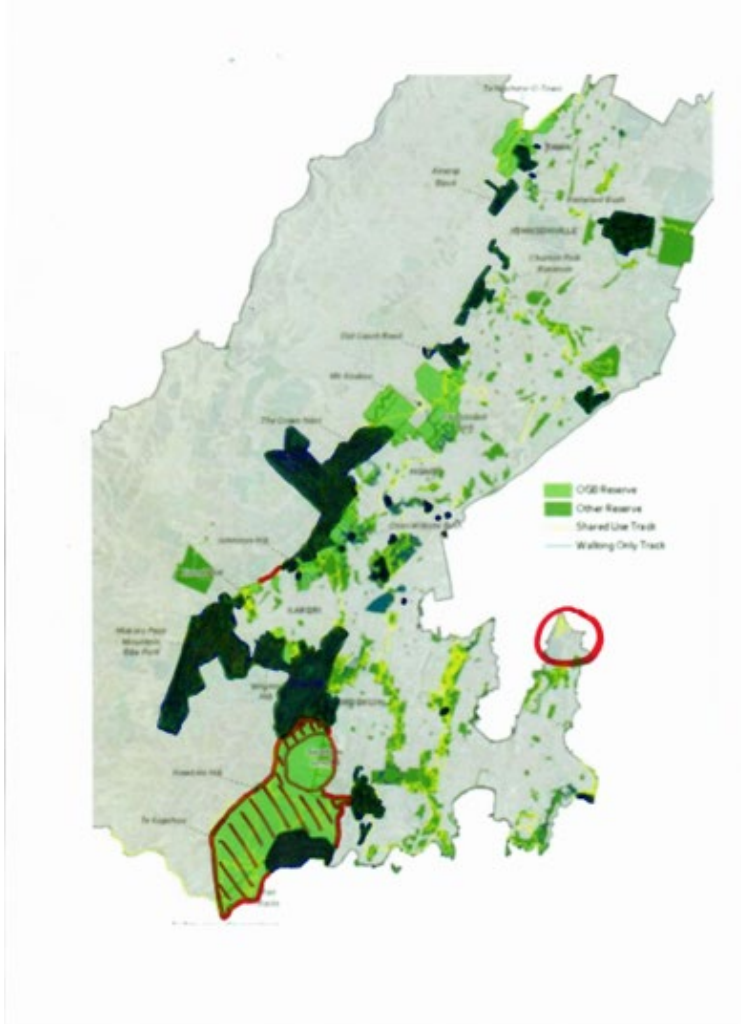
In that thirty years the Outer Green Belt has gone from being just a concept, a dream, to being a reality, that is almost complete – but not quite. Your decisions will assist its completion.

In 1992 its physical manifestation was just part of Wright Hill, Johnston Hill and Khandallah Park. It is now closing in on being a complete network from the South Coast to the Porirua boundary.

In that thirty year period acquisitions and additions have included:

- Owhiro Bay Quarry (purchased)
- Most of the land purchased in the 1960s for the Southern Landfill is now Te Kopahou reserve.
- Reserve contributions around Panorama Heights
- The formerly inaccessible Karori Reservoir is now Zealandia eco Sanctuary
- The lower slopes of Wright Hill (ex Janaki property – purchased)
- From Wright Hill across South Karori Road into Makara Peak (ex Fletcher Housing property - purchased)
- Makara Peak (ex Miet land - purchased)
- Makara Peak (ex Ivanoff land - purchased)
- Makara Saddle (ex Dunbar land – swapped with land at Khouri Avenue to protect the ridgeline integrity)
- Otari Farm (part of the original Parkvale / Sky Farm around Johnston Hill – purchased)
- Kilmister Tops (purchased – two parcels)
- Otari (two smaller land areas – purchased)
- Top of Awarua Road (purchased)
- Old Coach Road (purchased)

- 268 Ohariu Valley Road (purchased)
- Churton Park Reserves (reserve acquisition)
- Airstrip land (purchased)
- Te Ngahere o Tawa (purchased)
- Larsen Crescent Bush (purchased)



*All the dark areas have been added to the City reserve network since 1992, the red striped area is the designated landfill area most of which is now Te Kōpāhau reserve (Outer Green Belt). Watts Peninsula (Miramar) is circled because it will soon become a heritage reserve.*

There are only 6 remaining gaps in the Outer Green Belt as illustrated by the map in the Outer Green Belt Management Plan 2019 that we have already discussed. (page 7) One of those is the summit of Mount Kaukau which is owned by an SOE and with its elevation and access is not likely to be at risk of housing development. The tenure of at least 4 of the other 5 gaps are under active discussion, negotiation, or have agreements to purchase. In short the aspiration of a complete Outer Green Belt is very close to complete realisation. Completing the Outer Green Belt would be an enormous asset for the city of Wellington - forever, just as we today enjoy the Town Belt established in 1840. These reserve networks are prospectively the best urban reserve network in the world. These areas are vitally important, and their future needs to be very, very carefully considered.