

Proposed District Plan Change 82 Submission

My name and contact details

Marian Evans

[REDACTED] Wellington 6011

Address for service as above

[REDACTED]

[REDACTED]

Trade Competition

I could not gain an advantage in trade competition through this submission.

The specific provisions of proposed District Plan Change 82 that my submission relates to are as follows

Rezoning of 'a portion of 73 Hawker Street from Inner Residential to Open Space B' and rezoning of 'part of the adjoining reserve at 52 McFarlane Street (part of Lot 1 DP 76510, CFR WN42D/683) from Open Space B to Inner Residential.

My submission

This submission argues that the environment will be adversely affected by this rezoning for the following reasons—

1. **Rezoning would further legitimise a series of council errors and omissions made in relation to this land;**
2. **Rezoning would contravene WCC policy designed to protect the environment;**
3. **Flawed Consultation Process: Misrepresentation of the change in the WCC letters to Owners;**
4. **Negative Effects of Rezoning part of Lot 1 DP 76510, CFR WN42D/683 ('the strip') from Open Space B to Inner Residential;**
5. **A real risk of destabilisation of vulnerable adjacent land, through earthworks associated with any new development.**

1. Rezoning would further legitimise a series of council errors and omissions made in relation to this land.

In 1991, the WCC required a right-of-way (later Right-of-Way "C") from the park to the Oriental Terrace zigzag, as a special condition of approving the subdivision of the St Gerard's land. But for reasons unknown to me the WCC did not reinforce the condition, so that St Gerard's became owner of the 'portion of 73 Hawker Street from Inner Residential to Open Space B' that was intended to provide the WCC's – and the public's – right-of-way.

This submission incorporates and expands two of my articles that document this and other relevant WCC errors and omissions: *This is the House That Joe Built* (<https://medium.com/@devt/this-is-the-house-that-joe-built-2c769e2c88cf>; 15 March 2016)/ and *Saving St Gerard's *&* Joe's Place* (<https://marianeonline.wordpress.com/2017/04/24/the-zigzags-heritage-values-at-risk/>; 24 April 2017).

2. Rezoning would contravene WCC policy

The rezoning proposal actively works against WCC's own Heritage Policy–

The Council works to identify and protect the city's heritage places to help retain them for future generations...Wellington celebrates its past through the recognition, protection, conservation and use of its heritage for the benefit of all.

3. Flawed Consultation Process: Misrepresentation of the change in the WCC letters to Owners

The WCC letter to Owners of nearby properties (6 December 2017) misrepresents the zone change and undermines the integrity of the consultation process, because it refers only to 'a portion of 73 Hawker Street from Inner Residential to Open Space B' and omits reference to rezoning of 'part of the adjoining reserve at 52 McFarlane Street (part of Lot 1 DP 76510, CFR WN42D/683) from Open Space B to Inner Residential'.

I submit that many Owners would have read 'rezone to Open Space B' and read no further because the proposed and single change did not seem likely to affect them; the provision of the addresses in the letter's heading does not compensate for this. As a result of this 'gaslighting', whether intentional or not, the Owners – who as affected ratepayers are entitled to expect an open, transparent and fair process – have not been given a genuine opportunity to engage with this consultation and that invalidates the consultation.

This flawed process is particularly problematic because rezoning of 'part of the adjoining reserve' will have a more serious affect on the Owners and their environment than the other proposed zoning change because – as submitted below – it would–

- (a) compromise a key view shaft on a well-established and popular walkway and place a covenanted pohutukawa at risk;
- (b) make possible an intrusive development within a small and beloved green and heritage area which could have negative social, cultural and economic outcomes for the Owners as well for the wider community and for tourism; and
- (c) expose Owners properties to an increased risks from environmental hazards.

4. Negative Effects of Rezoning part of Lot 1 DP 76510, CFR WN42D/683 ('the strip') from Open Space B to Inner Residential

Rezoning this narrow strip of land, running between the reserve known as St Gerard's park and the green Oriental Terrace road reserve known as 'the Oriental terrace zigzag' will adversely affect the environment because of–

- (a) The unique position of the strip;
- (b) St Gerard's' declared intention to combine the strip with the adjoining lot at 1 Oriental Terrace to provide a larger block of land for potential development; and
- (c) A real risk of destabilisation of adjacent land, through earthworks associated with any new development.

(a) The unique position of the strip

The strip of reserve land may seem insignificant. But its loss would permit the much-loved visual link between the green of St Gerard's Park and the green zigzag to be extinguished. The strip adds value to both green areas and is

particularly significant because tourist and local traffic on and between these reserves has increased exponentially in recent years.

These visitors appreciate the (currently unprotected) viewshaft along the strip from St Gerard's park to Mount Victoria, the only and vital visual connection to the larger Mount Victoria Walkway that the St Gerard's precinct is part of. Visitors' experience, walking in either direction, is also enhanced by the presence of a covenanted pohutukawa tree – an integral part part of a significant pohutukawa grove – on the St Gerard's park end of the strip.

Building on or closely adjacent to this strip will place both of these elements at risk.

(b) Amalgamation of the strip with the land at no 1 Oriental Terrace, to increase its development potential

As well as being popular with 'green' tourists, St Gerard's park and the Oriental Terrace zigzag, at each end of the strip, are popular with tourists in search of history. They're drawn to St Gerard's itself and – because of the intimate experience of walking up or down the zigzag – strongly drawn to the integrity of the small enclave of modest heritage houses that border the Oriental Terrace road reserve, being developed by its inhabitants as a diverse, spray-free and bee-friendly precinct that speaks to local history.¹

If the strip is re-zoned and can be incorporated into a new development the area's visual and historical integrity will be lost. This adverse effect is more likely because – in a flawed process that began around a decade ago – Oriental Terrace was excluded from the pre-1930s Demolition Rule (see *Saving St Gerard's *&* Joe's Place*) so 'Joe's Place' at 1 Oriental Terrace is unprotected.

(c) A real risk of destabilisation of vulnerable adjacent land, through earthworks associated with any new development.

Since the sale of no 1 Oriental Terrace was proposed, and the swapping and rezoning of these two pieces of land, three larger environmental changes have introduced new risks–

1. extreme weather events and an exponential increase in landslips, including a major one very close by ;

¹ See e.g. Trip Advisor reviews here https://www.tripadvisor.co.nz/Attraction_Review-g255115-d12311418-Reviews-Oriental_Terrace_Zig_Zag-Wellington_Greater_Wellington_North_Island.html

2. increased earthquake activity; and
3. the intensive assessment of risk to the land around St Gerard's.

Any redevelopment on the strip once amalgamated with the no 1 Oriental Terrace will require earthworks. There is a real risk that these will further destabilise land that is already vulnerable to natural hazards. It is submitted that there is genuine cause for concern about land stability and therefore about zoning changes that allow significant development and may result in fresh earthworks that place nearby land at risk, because—

- (i) the strip is very close to land that is at “Moderate’ risk from natural hazards (see GWRC map below);
- (ii) there has been a major slip a few paces away from the strip's northern boundary, in the last year;
- (iii) there is a long crack along the path that leads round the northern face of St Gerard's and comes close to the northern boundary of the strip.

Last winter, the WCC estimated there were around 1000 slips In Wellington, about ten times the number in 2012. These slips included a huge one in front of the northern face of St Gerard's and close to the strip of land that is proposed to be rezoned.

A GNS project on Wellington slope stability is investigating how different hillsides perform in earthquakes or heavy rain (<https://orientalterraceszigzagwellingtonnewzealand.wordpress.com/2017/10/01/gifts-another-surprise/>). According to a spokesperson for GNS, the problems caused 2017's wet winter showed how bad it could be in an earthquake, “Especially if we had a big earthquake after a period of prolonged wet weather, like now. Because the slopes [like the one in front of St Gerard's] are falling down without any earthquake right now, just after bits of rain.”

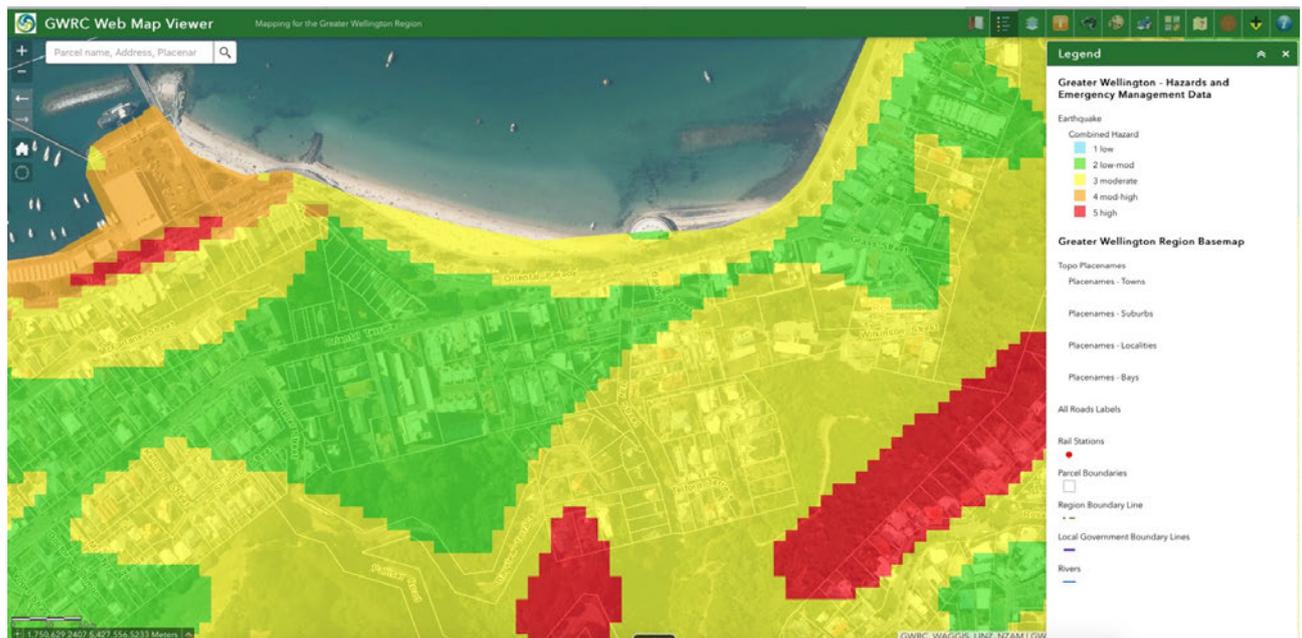
The GNS has now drilled three boreholes close to the strip to be rezoned. The first was drilled to 53m, just by the entrance to the church, at the top of Hawker Street. Seismometers were placed at the top and bottom of the hole to measure differences in shaking during earthquakes. The second site was on the path in front of the Monastery, at the edge of St Gerard's park, a few metres from the northern boundary of the strip and in the opposite direction just a few metres from a recent big slip further along the path, towards McFarlane Street.

Although this drilling was close to the new slip, a GNS statement at the time downplayed concern about more instability and slips; the project 'will select a range of sites that are characteristic of those typically found in Wellington to investigate how these slopes might perform in future large rain events and strong ground shaking'.

But then there was a third borehole drilled, in the St Gerard's garden, directly parallel to the major slip.

This seems to indicate that these boreholes are a very specific kind of investigation in an at-risk area.

In these circumstances, it seems irresponsible to allow a zone change that will support any more intensive development than the present single household dwelling at 1 Oriental Terrace, because of risk from earthwork vibrations and changes to the contours of the land.





I seek the following decisions from the Council

1. A decision to re-advertise this rezoning proposal in a way that is fair and fully transparent.
2. If the proposal is not re-advertised transparently, a decision not to allow the rezonings relevant to this submission.

I wish to speak at the hearing in support of my submission.

I will consider presenting a joint submission with others who make a similar submission.

I understand that I have the right to access and correct personal information held by the WCC. I would therefore like access to any summary of this submission before that summary is made public.

Yours sincerely

Marian Evans

9 February 2018

Marian Evans

Submission DP Change 82