

CA INSERT REPORT NO
CA INSERT FILE N

**DECISION ON PROPOSED PLAN CHANGE 30 – REZONING OF LAND AT
OHIRO ROAD FROM RURAL TO RESIDENTIAL**

1. Purpose of Report

To report to the Council the recommendations of the Commissioners appointed to hear the requester and submissions on Proposed District Plan Change 30 (DPC 30).

2. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Agree to confirm the recommendation of the Hearings Commissioners to decline Proposed District Plan Change 30 as detailed in the attached Commissioners' report dated 18 April 2005.*

3. Discussion

In June 2004 Ohiro Properties Ltd (the requester) lodged a request for “*a private plan change in respect of land shown on Figure 1 of this request*”. The plan change requested was that “*the relevant Plan Map (Map 6) be changed to alter the “zoning” from its current Rural Area to Residential (Outer) Area*”.

The land concerned lies to the west of Ohiro Road and substantially comprises steep, regenerating bush-covered land lying between Ohiro Road and below the ridgeline residential area of Mitchell Street.

Upon receiving the request, the Council was entitled to require further information from the requester (clause 23 of Schedule 1 of the RMA) but declined to do so and proceeded to notify the private plan change without modification. A total of 171 submissions and 15 further submissions were received. The majority (165) opposed the proposed rezoning.

Commissioners were appointed by Council to hear the requester and submissions pursuant to section 34 of the Resource Management Act. The hearings were held on 4-6 April 2005.

The Commissioners' report dated 18 April 2005 is attached.

Process

The Council must now confirm or reject the Commissioners' recommendation to decline DPC 30. If the recommendation is rejected, in whole or in part, it will be necessary for the Plan Change to be reheard.

If the Council confirms the recommendation of the Commissioners, the Council's decision will be released. The requester will then have 30 working days to lodge an appeal with the Environment Court.

4. Conclusion

It is recommended that the Council confirm the recommendation of the attached Hearing Commissioners' report on Plan Change 30.

Euan McQueen
Chair

WELLINGTON CITY COUNCIL

DISTRICT PLAN

RECOMMENDATION OF THE HEARING PANEL

SUBJECT: PRIVATE DISTRICT PLAN CHANGE NO. 30:
REZONING OF LAND AT OHIRO ROAD,
BROOKLYN

HEARING PANEL: EUAN MCQUEEN (CHAIR)

Julia Williams

DATE OF HEARING: 4-6 APRIL 2005

1. RECOMMENDATION

The Council decline District Plan Change 30.

2. BACKGROUND

In June 2004 Ohiro Properties Ltd (the requester) lodged a request for “*a private plan change in respect of land shown on Figure 1 of this request*”. The plan change requested was that “*the relevant Plan Map (Map 6) be changed to alter the “zoning” from its current Rural Area to Residential (Outer) Area*”.

Attached is a copy of Figure 1 of the request with the area of land subject to the request shown cross hatched.

The request contained a Section 32 analysis and an assessment of effects on the environment of development and use of the land under the Residential (Outer) Area zoning sought. The Section 32 analysis of alternatives was confined to the current Rural Area zoning and the zoning proposed by District Plan Change 33 (DPC 33). The analysis did not assess any other alternative such as a modified form of Residential (Outer) Area zoning.

The environmental effects assessed were;

- Visual effects
- Ecological effects
- Geotechnical evaluation
- Traffic effects
- Infrastructure effects
- Effects on Tangata Whenua values
- Beneficial effects

The request stated that there had been “*preliminary consultation with tangata whenua*” and with service authorities. No other consultation was referred to.

Upon receiving the request, the Council was entitled to require further information from the requester (clause 23 of Schedule 1 of the RMA) but declined to do so and proceeded to notify the private plan change without modification.

A total of 171 submissions and 15 further submissions were received in relation to the Plan Change. The majority (165) opposed the proposed re-zoning.

The Hearing Panel visited the area and viewed the subject land on 31 March 2005.

3. HEARING

Clause 29 of Schedule 1 of the RMA provides that “*the person who made the request has the right to appear...*” along with submitters and further submitters. Sub-clause (2) provides that after considering the change “*the local authority may decline, approve, or approve with modifications, the plan or change, and shall give reasons for its decision*”.

The Hearing Panel has delegated authority to hear the requester, and the submitters and further submitters, and prepare a recommended decision with reasons for the Council to consider.

Prior to the Hearing, a Council officer’s report was prepared and circulated to the parties. In this report, the officer made some preliminary findings, including the following:

It does not appear that there will be adverse strategic implications for the urban growth of the City if DPC 30 is approved. The positive strategic implication is catering for urban growth and improving locational choice.

The land is not used for rural purposes, does not relate to a rural community, and is not accessed by rural roads. Maintaining a Rural Area zoning in the face of these factors is likely to be unsustainable.

The land is suitable for residential development in some form (as distinct from rural-residential development), particularly given its close proximity to the City Centre, adjoining reticulated services, access off an urban collector road, and existing residential activity on three sides.

The generic Outer Residential Area provisions will not achieve satisfactory resource management of this land. They should be modified by additional, more restrictive rules for this land. Options for additional rules are outlined in section 9 of this report.

The Hearing of the request took place over 3 days and commenced with the Council officer giving a brief summary of his preliminary findings.

The following persons appeared at the hearing.

The Requester: Ohiro Properties Ltd

- Con Anastasiou (legal counsel)
- Lance James (requester)

- Brent Layton (economic and demographic issues)
- Tim Whitehead (Wellington property market)
- Simon Beale (vegetation and terrestrial ecology)
- Kara Berube (visual impact)
- Ian McPherson (geology & geotechnical engineering)
- Peter White (stormwater, water supply and wastewater)
- Glen Prince (traffic engineering and road safety)
- Rebecca Skidmore (urban design)
- Sylvia Allan (planning and resource management)
- David Cameron (appeared on behalf of the applicant to answer questions from the Hearing Panel regarding the potential impact on the ecology and existing character of Owhiro Stream.)

It was stated that the requester is the registered proprietor of the bulk of the land and is the prospective purchaser of the balance. The land is currently zoned Rural and the requester seeks this to be changed to Outer Residential.

The requester considered that the current rural zoning of the land is an anomaly, as the land is not suitable for farming activities and adjoins or is adjacent to residentially zoned land on three sides. Development of the land for residential purposes would be consistent with the Resource Management Act and the objectives of the District Plan given its proximity to the central city, access to existing infrastructure services, and location adjoining an urban collector road. Specific effects associated with residential development of the land can be addressed and managed at a later date through the normal resource consent process. Overall, adverse effects on the environment would be no more than minor.

The requester considered that the land does not have any special qualities and is “prime residential land”. The requester considered that the priority should be to make best use of the residential potential of the land using the Outer Residential zone provisions. The single ownership of the land provides a unique opportunity to undertake a comprehensive development. The requester showed the Hearing Panel examples of the proposed range of residential house designs for the land.

Evidence was given that while the proposed residential development might initially be more intensive than surrounding residential areas, infill development within these areas is steadily occurring. This factor, combined with progressive “maturing” of the proposed residential development, will result in an acceptable visual “fit”.

Evidence was given that there is strong demand for additional housing and varied housing choice in Brooklyn and throughout Wellington. 500 or more new units would have a relatively minor impact on existing social infrastructure in Brooklyn, with school rolls unlikely to increase by more than 15%. The effect would be positive in terms of nearby businesses, particularly at Brooklyn Village.

Evidence was given that earthworks and vegetation removal required to develop the land would be consistent with those used in the past development of Brooklyn. The visual impact of the development would be mitigated over time as replanted vegetation established itself, and the visual effects of earthworks would be temporary and generally restricted in visual terms to houses on the opposite side of the valley. On this basis, the visual effects would be different from the existing bush cover on the land, but still minor.

Evidence was given that the vegetation present on land is fairly common in the Wellington context, and potential for ongoing succession is limited due to the lack of appropriate seed sources in close vicinity. Overall, the ecological value of the land was considered to be low to moderate but that the land has an important role as an ecological corridor. Mr Beale recommended that “retention of some areas” of bush should be required. In response to a question from the Hearing Panel regarding the area of vegetation cover that would be required to be retained, Mr Beale responded that the amount, location and shape would be matters that would require further assessment.

Mr Beale also recommended retention of an additional 25 metre buffer strip of vegetation along the eastern boundary of the site (except where road access is required) to primarily protect the Owhiro Stream environment, the establishment of an on-site nursery for propagation purposes, and “to work closely with” the Friends of Owhiro Stream.

Evidence was given that the scale of earthworks required to develop the land would be substantial but necessary to create suitable road access and building platforms. Issues such as impact on landform, streams and vegetation cover would be addressed at the resource consent stage. Although the subject site is steep, the geo-technical assessment of the site indicated that the underlying rock structure was sound and able to accommodate residential development with appropriate earthworks and engineering.

Concerning reticulated infrastructure, the requester’s assessment was that there may need to be some augmentation of the water supply (storage) and waste water systems (pump capacity) to accommodate the growth. The requester stated that they would pay the normal Council development impact fees applicable as a contribution towards the off site costs that may need to be incurred by the Council as a result of the rezoning.

Evidence was given that while the proposal would increase traffic flows, the likely loads would be consistent with the role of Ohiro Road as a collector road. There may need to be some refinement to the signal phasing at the Brooklyn Village, but this can be simply achieved with minor adverse effects. Development of the site will also create some increased ‘side friction’ along Ohiro Road helping to reinforce the existing 50 kmph speed limit.

Evidence was given that while there is limited scope to undertake sustainable urban drainage methods (such as swales and ponds) to help manage storm water runoff, the anticipated quantity of stormwater could be accommodated by discharging into Owhiro Stream within existing culverted areas. The ecology of the stream would experience only minor adverse effects principally because of its existing condition.

Evidence was given concerning the urban design and planning principles that should be adopted as the basis for conceptual design of the subdivision.

Evidence was given concerning the overall resource management issues, effects, policy matters, and matters raised by the Council officer and submitters. It was in this evidence that inclusion of ‘concept plan indicators’ (Appendix 1 of Sylvia Allan’s evidence) in the District Plan was volunteered on behalf of the requester. It was volunteered that upon rezoning to Outer Residential, and prior to any resource consent application being made, the applicant shall prepare a concept plan for the land identifying how the land would generally be developed, and incorporating 5 requirements relating to the area of bush retention (“*approximately 20%*”), buffer strip along the Ohiro Road frontage (with 4 exclusions), a limit of three main road intersections, “*no less than 2000sqm of land*

for community open space and community facilities”, and a list of primary planting species.

Brooklyn Residents Association (BRA) and Friends of Owhiro Stream (FOOS)
(joint presentation)

- Rosemary Feary (process and resource management issues)
- Bob Waters (local history and character)
- Carla Psathas (visual impact)
- Paul Blaschke & Emily Greenberg (terrestrial and aquatic ecology)
- Alex Gray (traffic effects)
- John Macalister (community development issues)

The BRA opposed the proposed rezoning. They considered that the existing Rural zoning of the subject land was not an anomaly, rather it was the ridgeline residential area of Mitchell Street to the west of the subject land that was an anomaly in an area that has always been predominantly rural. The proposed rezoning was inconsistent with the purpose and principles of the Resource Management Act, was not the most appropriate means by which to achieve the objectives of the District Plan, and would not assist the Council to control the effects of the development of the subject land. They considered that the process and provisions outlined in District Plan Change 33 would provide better resource management. The BRA noted that they had not had sufficient time to consider the requester’s proposal to lodge a concept plan for development of the subject land prior to seeking resource consent.

The BRA were concerned that no meaningful consultation had been undertaken with the Brooklyn community, and that the proposal takes little account of community expectations.

They considered that the land has a distinct character based on the steep topography, narrow valley, vegetation and Owhiro Stream. The area has a strong rural heritage, and its open rural space character should be considered to be a resource, rather than waste land needing to be developed.

Approximately 350 houses overlook the land, and significant amenity is derived from the current rural outlook. Concern was raised regarding the visual impact of the earthworks and development density that is likely to result if the rezoning is successful. The scale of the earthworks required to develop the site would be inconsistent with the District Plan objectives regarding retention of landforms.

FOOS noted that the land was significantly steeper than the average for Brooklyn, and was concerned that the slope and aspect of the land make it susceptible to removal of vegetation and sediment run off during construction. It was noted that capacity to trap and deal with sediment on site was limited by topography. Urban development of the site would increase the frequency and volume of stormwater ‘events’ in Owhiro Stream. Owhiro Stream maintains a reasonable diversity of aquatic life, and the retention of stream margins and the prevention of increased sedimentation are important in retaining the ecological value of the stream. FOOS noted that the suggested 25 metre wide buffer along the edge of the stream should be wider and consistent along the full length of the site in order to achieve significant benefits to the stream environment.

FOOS considered that the subject land was ecologically significant on the district wide scale, as it provided habitat for native birds and provided an ecological connection between areas of older forest remnants.

Overall traffic effects of the proposed rezoning on Brooklyn and further afield would be significant. Given the infrequent bus service along Ohiro Road (currently 6 trips per day), the steepness of the subject site and the distance to the Brooklyn shopping centre and Brooklyn school, the BRA considered that the vehicle movements resulting from the development would be higher than indicated in the requester's evidence. They considered that traffic volumes on Ohiro Road would increase by over 50% (based on the development of 500 units), and were concerned with the potential for increased delays at each of the major intersections between Brooklyn and Willis Street. In particular the BRA noted that the potential to increase the capacity of the Todman St, Cleveland St, Ohiro Rd intersection was seriously limited given the existing building layout, contours and street gradients.

Greater Wellington Regional Council

- Tami Woods (resource management and process issues, and submitted written evidence on biodiversity and terrestrial ecology)
- Howard Markland (pollution control and stormwater management)
- Murray McLea (Owhiro Stream environment and fishery)
- Kirsten Forsyth (impact of urbanisation on stream environment)

Greater Wellington Regional Council was not opposed in principle to the rezoning of the subject land, but was concerned that the existing Outer Residential provisions controlling subdivision are insufficient to adequately control the potential adverse effects of intensive residential development of the subject land. If the rezoning is approved, Greater Wellington requested that additional District Plan provisions be put in place making any subdivision of the subject land a Discretionary Activity (Unrestricted). Additional assessment criteria were also requested to ensure consideration of issues of effects on Owhiro Stream, impact on ecological values of the subject land, and the provision for restorative planting measures to mitigate the adverse effects of removing indigenous vegetation.

Greater Wellington considered that the land had significant ecological value, and disagreed that the ecological development of the vegetation had 'stalled' or was limited. Later seral species present in nearby stands of regenerating bush indicates that climax species seeds are being dispersed from Karori Sanctuary. Greater Wellington recommended that a comprehensive bush retention and landscape plan that achieves visual and ecological integration between the remnant vegetation and plantings be prepared as part of any residential development of the site.

Greater Wellington was particularly concerned that the proposed rezoning would have significant adverse effect on Owhiro Stream and the watercourses present on the subject land. In particular Greater Wellington considered that the request for plan change did not adequately address the following matters:

- Means of mitigating stormwater run-off from the site.
- The impact of development on the ecological health of the upper Owhiro Stream.
- The likely loss of natural watercourses on the subject site.
- Significantly increased flood flows in the upper Owhiro Stream catchment.
- Deterioration of water quality in Owhiro Stream as a result of vegetation clearance and earthworks.

Greater Wellington noted that while there are technologies available that can assist in managing the adverse effects of stormwater runoff, erosion and sediment control, the

application and effectiveness of these technologies would be constrained by the topography of the subject land and highly influenced by the scale and intensity of proposed development. In response to questions from the Hearing Panel, Howard Markland noted that the construction of large ponding areas would be required to capture and settle sediment on-site during the construction phase and that this would likely impact on the amount of the site that would be available for development.

Greater Wellington noted that increased urbanisation in a stream catchment lowers water quality and the quality of the aquatic habitat. To help minimise the impact of the proposed rezoning on the Owhiro Stream environment, Greater Wellington recommended limiting the amount of impervious surfaces on the subject land to 40 percent of the site (impervious surfaces would include all roads, roofs, paths and driveways).

Individual Submitters

Carla Psathas

Catherine Underwood

Donald Christie

Bob Waters

Bernie Harris

Geoffrey Melvin

Southern Environmental Association Wellington Inc (Robert Logan)

Joy Vickers

Robin Johnson

John O'Brien

Donna Sherlock

Vincent Dravitzki

Alex Gray

Ruth Pemberton

Kevin Hackwell (and Sylvia Ruarus)

Lady Anita J Rose

John O'Brien

Each of the above submitters opposed the proposed re-zoning. The evidence presented to the Hearing Panel in support of these submissions is summarised below:

- Lack of consultation, especially with tangata whenua.
- Retention of rural zoning was a valid option.
- Proposed rezoning contrary to Council's policy of urban containment.
- Rapid increases in development intensity would detrimentally impact on the overall health of the community.
- District Plan Change 33 provides a more appropriate balance in terms of visual, ecological and traffic issues.
- There is sufficient undeveloped land already zoned Outer Residential Area in and around Brooklyn to meet housing needs.
- Degree of earthworks and vegetation clearance needed to develop the site too great.
- Adverse effect on Owhiro Stream.
- Adverse effect on flora and fauna.
- Loss of significant ecological values of the site. Land provides an important ecological link to Karori Sanctuary.
- Scale of vegetation removal.
- Adverse effect on visual amenity.
- Adverse effect of earthworks on the existing landform.

- Pressure on amenities in Brooklyn village.
- Increased parking problems in Brooklyn village.
- Detrimental impact on traffic safety and traffic congestion, particularly at the bottleneck in Brooklyn Village. Proposal does not constitute the efficient use and development of resources as it will result in increased congestion for remainder of the suburb.
- Likely to result in piecemeal subdivision of the land.
- Adverse effect on amenity of surrounding area caused by dust, noise and disruption over a 10-15 year development period.
- Proposed lot sizes are too small.
- Too many household units proposed for the site. Proposed density would be totally out of keeping with the existing character of Brooklyn.
- Site has poor linkages to public transport.
- Development will degrade the Ohiro Road environment for cyclists and pedestrians.
- Steepness of site and access roads will mean development is not able to be serviced by public transport.
- Access constraints will mean development will have poor pedestrian access, and limited access for disabled and prams.
- Imminent closure of the Northern Landfill will increase the number of heavy vehicles using Ohiro Road.
- Increased siltation would adversely impact on proposed Marine Reserve in Owhiro Bay
- Insufficient research into the history of the area in relation to the issue of perpetual leases issued in the 1840's that were intended to apply to Maori land in the Wellington Area.
- The current Outer Residential Area provisions are inappropriate for controlling development on steep hillsides.
- The land should have some site specific rules, including limits on site coverage.

While most of the above submitters sought that the plan change be declined, some noted that if approval was granted then limits should be placed on:

- Density of housing.
- Hard surface coverage limit.
- Extent of bush retention.
- Scale of earthworks and degree of changes to topography.
- Height of retaining walls.

Finally, the Hearing Panel took time to assess the submissions from those who did not wish to be heard.

4. REASONS

The fundamental resource management question that the Hearing Panel considered it needed to address in this matter was *“will the Outer Residential Area provisions of the District Plan, with the modification offered by the requester, promote the sustainable management of the land to the extent that the requested rezoning should be approved?”*.

After assessing all the submissions and evidence, the Hearing Panel is satisfied that the answer to this question is “No” and therefore it recommends to the Council that the District Plan Change be declined.

The Hearing Panel's main reasons for making this recommendation are as follows.

1. The land has qualities that require a more careful approach to resource management than that sought by the requester. The qualities of the land include its steepness, regenerating bush cover, habitat for flora and fauna, presence of streams, close proximity to Owhiro Stream. These qualities in turn lead to development restrictions including difficulties of achieving satisfactory vehicular access, significant extent of earthworks envisaged, and extent of stormwater runoff.
2. The Hearing Panel was unconvinced that the modification to the Outer Residential Area provisions offered by the requester (i.e. the subsequent production of a concept plan) would be sufficient to ensure sustainable environmental outcomes would be achieved. The Hearing Panel was not convinced that the proposed concept plan would be given much weight at the resource consent stage, particularly if there was disagreement amongst the parties, as appears highly likely to be the case with this land. The Hearing Panel notes that the modification offered by the requester does not envisage any formal approval process to the requester's concept plan, and proposes that the concept plan may be periodically reviewed by the requester. These matters weaken the reliance that can be placed on the proposed modification. Under these circumstances, it seems inevitable to the Hearing Panel that an initial concept plan for the land will be in danger of being eroded over time by property development imperatives. This is already evidenced by the way the modification proposed by the requester allows for exclusions to the buffer strip proposed for mitigation purposes along the Ohiro Road frontage – exclusions that would, in the Hearing Panel's opinion, erode the intended role of the buffer strip.
3. The Hearing Panel therefore considered that the existing objectives, policies and rules of the Residential Area will be the dominant influence on future subdivision and development of the land. The Hearing Panel thus accepts submissions that the appropriate "benchmark" for visualising and assessing the resultant development of the land is a similar continuation of the requester's current land development approach employed at the adjoining property at 282 Ohiro Road. This approach essentially involves wholesale recontouring of the land with the majority of regenerating bush removed. Any areas of retained bush are fragmented with significant potential for die back due to exposed edges and elongated shape. This general approach to land development is not what the Hearing Panel believes is appropriate to be generally employed across the land that is the subject of this Plan Change, particularly in view of the qualities of the land identified in 1 above.
4. The Hearing Panel heard from many submitters that the regenerating bush cover over much of the subject land performs an important role as an ecological corridor linking the regenerating bush areas to the west with the scattered pockets of low forest within Vogelstown and Mornington to the east. The Hearing Panel accepted this as correct and was not satisfied that this important role would be adequately safeguarded by the Outer Residential Area provisions of the District Plan with modification as proposed by the requester. No persuasive evidence was put forward by the requester that gave the Hearing Panel comfort that "approximately 20%" of retained existing bush would be sufficient area to ensure the continued role of the land as an important ecological corridor. Furthermore, the Hearing Panel regards the total area required for bush retention, and the location of such areas, to be a critical issue that requires more detailed assessment by the requester and management by the Council than would be obtained through the proposed zone provisions.

5. The extent of stormwater runoff generated by various levels of residential development, and the potential adverse effects on Owhiro Stream, was regarded by the Hearing Panel as a significant resource management issue. The Hearing Panel was not convinced by the requester's evidence and instead preferred the evidence of the Wellington Regional Council and Friends of Owhiro Stream (FOOS). The evidence of the Regional Council in particular highlighted to the Hearing Panel the unfortunate problems associated with bush clearance and work within streams that the requester has already engaged in on the land and which has caused adverse environmental effects. This state of affairs indicates to the Hearing Panel that a precautionary approach should be taken in relation to proposed zone provisions for the land in view of its steepness, bush cover and potential for runoff.
6. The Hearing Panel considers that it should give weight to the existing bush covered environment of the land, despite the existing Rural Area provisions that permit vegetation removal. The fact is that under the existing Rural zoning, removal of bush has not occurred apart from the recent area cleared by the requester in anticipation of residential development (and which is referred to in the preceding paragraph above). The Hearing Panel is required by the Act to ensure that proposed zone provisions avoid or mitigate adverse effects and the regenerating bush is clearly an important ecological resource.
7. The Hearing Panel heard conflicting evidence concerning the likely density of development that might be achieved on the land under the zoning sought by the requester, and the extent to which this might be out of character with, or result in a poor "fit" with, adjacent residential areas. The Hearing Panel noted the requester's intention to observe the Outer Residential Area's 35% site coverage provision, but considered that the majority of Brooklyn was unlikely to ever achieve this density of development due to constraints in topography, access, car parking, and existing building location. The Hearing Panel accepted that pockets of adjacent vacant residential land are likely to be developed for medium intensity residential development, and that there will be infill development on some existing adjacent lots that already contain a dwelling. Despite this, the Hearing Panel is inclined to the view that the density of development on the land is likely to be more intensive than adjacent residential areas. This is primarily because of the single ownership, large area, and the requester's approach to land development. It would have assisted the Hearing Panel's consideration of this matter if the requester had produced concept plans for the land so that the Hearing Panel could have made a more definitive assessment of this effect.
8. The Hearing Panel heard conflicting evidence regarding the potential roading and traffic effects of the proposed rezoning. They accepted evidence that Brooklyn was one of the older suburbs of Wellington, with a road pattern and road widths that had restricted capacity and limited potential for change. The Hearing Panel noted the detailed evidence presented by Alex Gray, regarding the nature and layout of the Ohiro Rd/Todman St/Cleveland St intersection. They noted the constraints on further enhancement of the intersection imposed by the existing road width, ground levels, building locations and bus routes. The Hearing Panel considered that the growth in traffic volumes anticipated by the possible development of the subject land would place significant strain on the roading infrastructure in Brooklyn and further afield. They considered that the scale of this effect should be assessed in more detail taking into account the scale of any proposed development and the limitations of the wider road network. In the Hearing Panel's opinion any proposed rezoning that led to significantly increased traffic congestion in the Brooklyn area, or compromised the movement of public transport through Brooklyn, would not be

considered to be efficient use and development of the physical resources of the suburb.

9. The Hearing Panel considers that the requester has given inadequate consideration to alternatives to the Outer Residential zone provisions, and has not embarked on an integrated assessment of the constraints and effects of different levels of residential subdivision and development in order to demonstrate that the Outer Residential provisions as sought by the requester will result in sustainable management of the land concerned. There is a significant difference between the residential concept promoted by District Plan Change 33 (a figure of about 25 house sites was suggested by Council's landscape advisor in evidence to the hearing on proposed District Plan Change 33) and the zoning promoted by the requester (that could result in 500 units or more). It would have therefore considerably assisted the Hearing Panel if the requester had assessed different levels of residential development (and associated rules) in between the above scenarios. In this respect, the Hearing Panel notes that the District Plan already incorporates specific provisions for various parcels of land rezoned for residential purposes – refer to the appendices to the Residential Area – so specific provisions are not foreign to the Plan.
10. The Hearing Panel gave consideration to whether some form of specific provisions for the land under the Outer Residential zoning could be crafted from the evidence available. For instance site specific objectives and policies with all subdivision, earthworks and residential buildings being an unrestricted discretionary activity. However, the Hearing Panel is not comfortable with this approach as it relies too heavily on the resource consent process to achieve good environmental outcomes. The Hearing Panel was also not satisfied that it had sufficient information to safely adopt this approach.

Despite its recommendation to the Council to decline the rezoning request, the Hearing Panel considers that the existing Rural zoning of the land is close to its “used by date”. This is primarily because the land is not used for rural purposes, does not relate to a rural community, and is not accessed by rural roads. However, the Hearing Panel accepts the evidence given by some submitters that the land is still related to adjacent rural land by virtue of its role as an ecological corridor. In this regard the zoning provisions recommended under proposed District Plan Change 33 are not inappropriate.

Despite this latter aspect, the Hearing Panel considers that some form of residential activity on the land is likely to be acceptable, given that the land has close proximity to the Brooklyn shopping centre and City Centre (much closer than the northern growth areas identified by Council), adjoins reticulated services, has access off a collector road, and has existing residential activity on three sides. Furthermore, the Hearing Panel accepts that residential development of the land will not upset the Council's urban growth strategy. However, any residential development needs to be very carefully and sensitively planned with special resource management provisions to reflect the qualities and constraints of the land and its existing attributes. In this respect, the request for plan change has fallen well short of the standard that the Hearing Panel considers is appropriate for the land.

In order to possibly guide the requester and Council in eventually achieving a satisfactory resource management outcome, the Hearing Panel makes the following observations:

- The Hearing Panel was generally satisfied with the strategic design approach suggested by Rebecca Skidmore in her evidence on behalf of the requester.

Converting the approach into concept plan scenarios, including different levels of residential density, would be of material assistance to a future decision maker.

- A key matter for careful assessment is different levels of bush retention and its location within the site. This needs to be done in relation to the extent and density of residential development and thus the comparative amounts of hard surface, stormwater runoff, earthworks, and traffic generation, together with other effects i.e. comparative levels of “fit” with adjacent areas. This approach would assist with a robust assessment of the relative effects and assist with the formulation of potential permitted activity (or other such) conditions.
- The Hearing Panel considers that should a new re-zoning application be contemplated in the future, the requester could usefully consult with at least the Council, Regional Council and Friends of Owhiro Stream over the respective scenarios and assessment of effects.
- Because of insufficient information, it is difficult for the Hearing Panel to speculate as to the likely resource management conditions and thus the number of residential building sites and/or household units that might be able to be achieved on the land. However, based on what the Hearing Panel has heard, it is inclined to think that the number of house sites is likely to be more than the speculated 25 sites under District Plan Change 33, but very significantly less than the 500 or more sites speculated by the requester under District Plan Change 30.

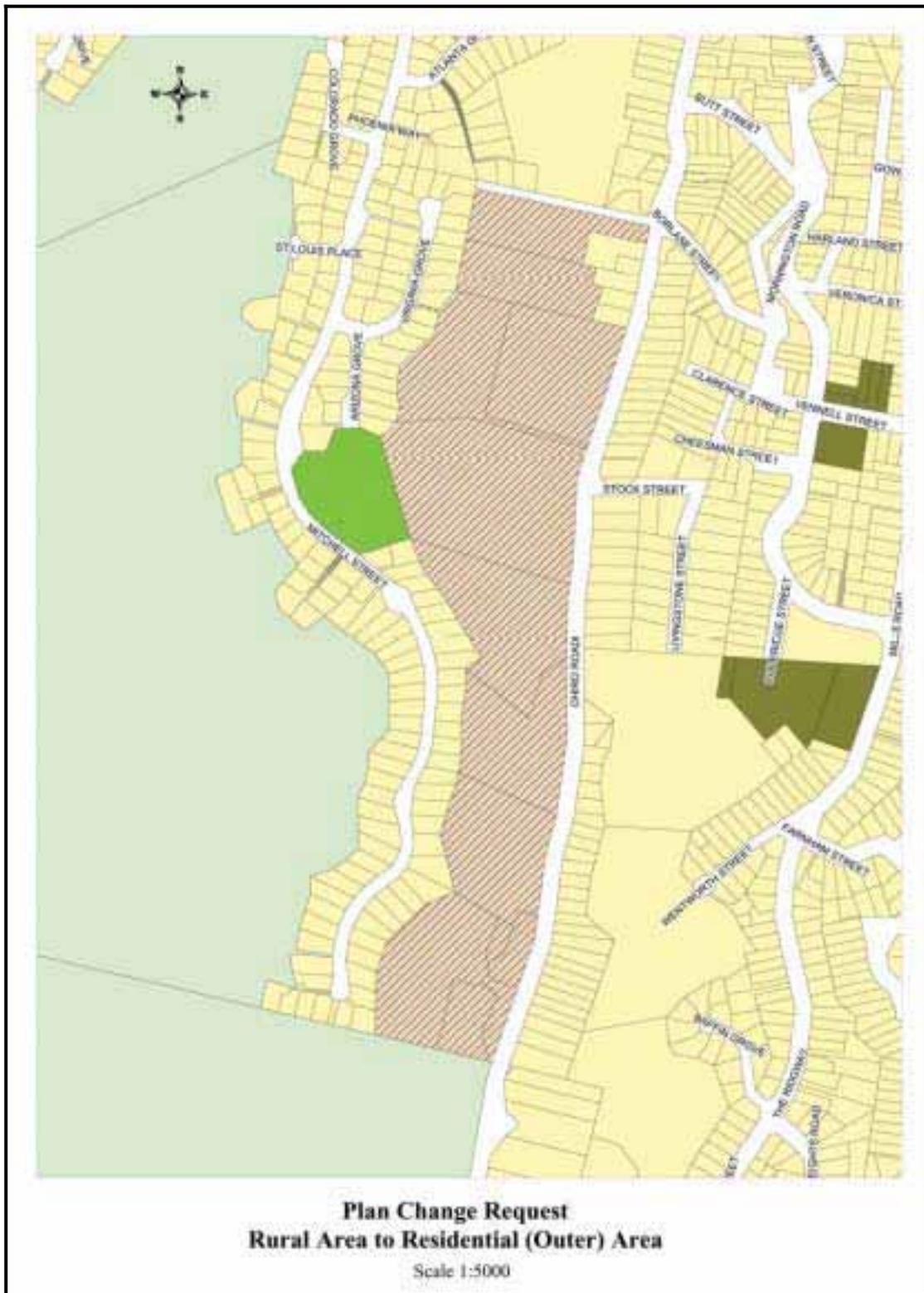


Figure 1 – Requested Plan Map Change

**WELLINGTON CITY COUNCIL
EXTRACT OF MINUTES
Ordinary Meeting of Wednesday 27 April 2005**

061/05C **RECOMMENDATIONS OF THE HEARING COMMISSIONERS ON PROPOSED DISTRICT PLAN CHANGE 30 – REZONING OF LAND AT OHIRO ROAD FROM RURAL TO RESIDENTIAL**
Report of District Plan Change 30 Hearing Panel – Euan McQueen (Chair) and Julia Williams.
(1215/11/IM) (REPORT 1)

Moved Councillor Morrison, seconded Councillor Shaw the substantive motion.

Euan McQueen, Chair of the District Plan Change 30 Hearing Panel was present to introduce the recommendations contained in the Commissioners report.

The substantive motion was put:

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Armstrong, Foster, McKinnon, Morrison, Pepperell, Ritchie, Ruben, Shaw, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

3. *Receive the information.*
4. *Agree to confirm the recommendation of the Hearings Commissioners to decline Proposed District Plan Change 30 as detailed in the attached Commissioners' report dated 18 April 2005 attached to these minutes as appendix 1.*

Fiona Dunlop
Senior Committee Adviser