

Section 32 Report

***Proposed District
Plan Change 60***

Churton Park Suburban Centre Rezoning

13 August 2006
Wellington City District Plan

SECTION 32 REPORT

PROPOSED DISTRICT PLAN CHANGE 60 Churton Park Suburban Centre

1.0 Introduction

This proposed Plan Change involves the re-zoning of land at the corner of Lakewood Avenue and Westchester Drive, Churton Park from Outer Residential to Suburban Centre to enable a neighbourhood centre or ‘village’ to be developed. The location and zoning map is attached as Appendix 1.

The need for this proposal was identified by the Northern Growth Management Framework, which was adopted by council in October 2003. Churton Park is experiencing one of the highest growth rates in the northern suburbs of Wellington but lacks any local facilities such as shops or other services that would provide a focal point for the community.

In adopting the Northern Growth Management Framework, Council has recognised there is a social and economic need of the community at this location. The circumstances surrounding this need are outlined in the Framework. The proposed plan change includes managing the use and development of land in order to satisfy this need and as such the proposal is considered to align with the purpose of the Resource Management Act (the Act).

The Act requires the Wellington City Council to undertake an evaluation of the proposed plan change under Section 32 before it can be publicly notified. This report is Wellington City Council’s response to this statutory requirement.

2.0 Legal Context

The Section 32 evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Benefits and costs are defined in the Act as including benefits and costs of any kind, whether monetary or non-monetary.

In carrying out a Section 32 analysis, the purpose and principles of the Act must be taken into account. Section 5 sets out the purpose of Act, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The Act also contains an explicit obligation for territorial authorities to *maintain and enhance amenity values* and the *quality of the environment*. In achieving this purpose, authorities need also to refer to both matters of national importance identified in section 6 and other matters referred to in section 7.

In achieving the above purpose, Section 6 lists matters of national importance that shall be recognised and provided for. The section 6 provisions of relevance to this plan change are:

- (e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use and development:”

Additionally, in achieving the purpose the Act, section 7 sets out matters that authorities shall have particular regard to. The provisions of relevance to this plan change are:

- (g) “the efficient use and development of natural and physical resources:
- (h) the maintenance and enhancement of amenity values:
- (i) maintenance and enhancement of the quality of the environment:
- (j) any finite characteristics of natural and physical:”

3.0 Background and site description

3.1 Background

From the 1970’s up until 1994, land at about the location of that subject to this Plan Change was zoned Retail A to allow for commercial development of a shopping centre. During the preparation of the now Operative District Plan (adopted 1994), the land was rezoned Residential Area. The zone change came about because of uncertainty around how the suburb would ultimately be developed; and the final alignment of Westchester Drive and other roads around the site. Consequentially it was decided that a more appropriate zoning at the time the District Plan was notified was Residential Area.

This zoning did not foreclose that the land could again be re-zoned for commercial purposes when there was more certainty about where a possible centre should be located, the type of activities that would be provided for, and the size of Suburban centre required to serve the developing suburban areas of Glenside and Churton Park.

The Northern Growth Management Framework studies identify the suburbs have now been developed to a point where the community is of a size that a local focal point will assist in providing for the communities social and economic well being. These findings and community aspirations have prompted the Plan Change.

3.2 Site and Neighbourhood Description

The site is located on the south-western corner of Westchester Drive and Lakewood Avenue, as identified in appendix 1, and has a total land area of approximately 2.75 hectares. The majority of land is zoned Residential Area, however a strip on the western flank of the site is zoned Open Space A and contains part of a Wellington City Council Designation (W4) for storm water and flood detention purposes.

The majority of the site consists of two relatively flat terraces with a slight slope towards Lakewood Ave in the east. The western strip in the Open Space A zone land and the southern part of the site form part of a relatively steep gully that wraps around the southern and western parts of the site.

There are no identified protected species or areas of bush, nor does the site have any known cultural or Maori values associated with it

The plan change area itself comprises all of the Residential Area zoned land and does not include that strip of land within the site that is zone Open Space A.

Residential development has occurred across the road from the site and residential properties back onto the southern, eastern and western sides of the gully, adjoining the designated area. There are three residential properties that adjoin the sites' Residential Area zoned land, two on Westchester Drive and one on Lakewood Ave.

Churton Park is a relatively new and still developing suburban area with residential development having taken place in stages since the 1970's. There is still a fair amount of Greenfield development available and presently the area is experiencing one of the highest growth rates in the northern suburbs of Wellington. The developing suburb lacks any local facilities such as shops or other services that would provide a focal point for the community. Residents are forced to travel to Johnsonville or Porirua for day-to-day convenience shopping and groceries.

Wellington City Council is currently putting in place plans to extend Westchester Drive from the corner of Lakewood Ave eastwards in order to make a new motorway connection and interchange to feed the suburb. Once this occurs, Churton Park will have more direct access to and from SH1 and this new eastern extent of Westchester Drive will become the main feeder for the suburb. The undeveloped Greenfield areas lie to the north of this proposed road extension. The timeline for construction of the extension is currently within the next 2 years.

4.0 Research and Consultation

4.1 Northern Growth Management Framework

The Northern Growth Management Framework was developed in 2002-2003 by Wellington City Council in consultation with communities in the northern suburbs of the City. It provides a set of goals and an agreed process for managing growth in the northern suburbs. The Framework identifies the need for a neighbourhood centre in Churton Park and the implementation programme 2003 requires at point A3 on page 7, that a small neighbourhood centre at Churton Park be developed.

4.2 Consultation

Detailed consultation was undertaken with Churton Park and Glenside residents in May and June 2006 to gauge support for a neighbourhood centre and what types of activities and development should be provided for. A pamphlet questionnaire was mailed to 2,000 residents and 341 responses were received. These results are included in a report by Wellington City Council titled: *A heart for Churton Park, Churton Park Neighbourhood Centre – Context, issues and opportunities, July 2006*.

Consultation showed there was strong support for a centre that would be a shopping and meeting place for the community. The majority of respondents wanted a high quality upmarket shopping area. The most preferred uses, where over half of respondents responded favourably, were for the inclusion of the following activities (given in order from highest percentage):

- Café/deli
- Supermarket
- Small park/local square
- Small car parking area
- Pharmacy
- Takeaways
- Bus stops
- Medical centre
- Post office

Many respondents also commented about character and design even though this was not specifically raised in the pamphlet questionnaire. Most wanted an integrated village setting with a strong sense of place and a positive community feel.

This consultation has been used to help develop the centre concept plan which forms the basis for developing the centre.

4.3 Research

A retail study was commissioned by Wellington City Council in July 2006¹ to consider the economic viability of a neighbourhood centre in Churton Park. It found that a neighbourhood centre could be sustained based on 900 square metres increasing to 1,570 square metres by 2021. The study showed that this should comprise a range of typical retail and service activities, including a supermarket. The centre may also

¹ DTZ Research, *Research Report: Northern Growth Area Retail Study*, July 2006

be able to support a small neighbourhood market, though financial viability would be marginal. Furthermore, this study found that a neighbourhood type centre would not significantly impact on either Newlands or Johnsonville.

Further development of Stebbings Valley, to the immediate north of Churton Park, will generate significant additional traffic volumes past the neighbourhood centre site. Approximately 8,000 vehicles per day are projected to use Westchester Drive once the link to the motorway is complete and Stebbings Valley is fully developed for urban purposes.

Based on the existing and future population growth projections and connections to adjoining suburbs, a supermarket company has committed to establishing in the proposed centre. A supermarket would act as an important anchor tenant and encourage further retail spending in the centre. The inclusion of a supermarket has been found to be important to the economic success of a neighbourhood centre serving a local community. *Hames Sharley*² in their 2003 report prepared for Wellington City Council, state in the executive summary that “*Supermarkets are and will continue to be the cornerstone of retail nodes within local communities*” (page 4). They go on to say “*In Wellington, the performance of each supermarket has a major bearing on the performance of the centre it is situated in.*”

Other important aspects to ensuring a successful neighbourhood centre are reported by *Hames Sharley*² as being related to the fact that because people are becoming more time poor, the need for convenience based shopping is increasing and requires “*...access, parking and location will become a critical factor in the success of these types of centres*”.

The following documents are the primary sources of information guiding this evaluation:

Reports

- *A heart for Churton Park, Churton Park Neighbourhood Centre – Context, issues and opportunities, July 2006.*
- *Research Report: Northern Growth Area Retail Study, DTZ Research, July 2006*
- *Options for Large Format Retailing in Wellington City, Property Economics & Patrick Partners, May 2007*
- *Spatial Analysis of Retailing in Wellington, Hames Sharley New Zealand, April 2003*

² *Spatial Analysis of Retailing in Wellington, Hames Sharley New Zealand, April 2003*

Policy

- *Northern Growth Management Framework*, Wellington City Council, 2003
- *Northern Growth Management Framework Implementation Programme 2003*
- *Wellington City District Plan*, Wellington City Council, operative 2000
- *Wellington City District Scheme*, Wellington City Council, operative 1984 (now withdrawn)
- *National Guidelines for Crime Prevention through Environmental Design in New Zealand*, Ministry of Justice, 2005
- *Spatial Analysis of Retailing in Wellington*, Hames Sharley, 2003
- *Urban Development Strategy*, Wellington City Council July 2006
- *Transport Strategy*, Wellington City Council 2006

5.0 Reason for the plan change

The research done in the Northern Growth Management Framework identifies a community need for a local neighbourhood centre that would cater for the day-to-day convenience of Churton Park and the adjoining suburbs of Glenside and Stebbings Valley. Such a centre would also fulfil the social needs of the growing community by providing a place for social interaction; and will fulfil the economic needs of people by providing a convenient place to shop for day-to-day needs.

The economic analysis done by the research company DTZ New Zealand supports the introduction of a local neighbourhood centre and considers the proposal would be economically viable without undermining the nearby town centre of Johnsonville. Furthermore, such a centre would benefit from introduction of a supermarket to assist in the economic viability, and therefore success, of such a centre.

The local community have voiced their support for a local neighbourhood centre.

Interest from a major supermarket chain adds weight to the fact it is a likely to be an economically sustainable proposition.

For all of the above reasons, introduction of a neighbourhood centre to Churton Park is considered to be in keeping with the purpose of the Act, and thus options have been considered to ensure the proposal is sound in resource management terms.

6.0 Plan Change Options

In considering the need for a neighbourhood centre at Churton Park and how this might be facilitated, three options were considered.

Option 1 – do nothing

This option involves retaining the existing Outer Residential Area zoning of the subject land and therefore the objectives of this zone would apply. This would provide for dwellings as of right provided they comply with the bulk and location requirements. Commercial activities (similar to those within suburban centres) are

only provided for as Discretionary Activities, and thus would be subject to the resource consent process for all activities and buildings.

Option 2 – Suburban Centre Zone Provisions

This option involves zoning the land Suburban Centre and applying the existing suburban centre objectives, policies and rules to all future development. Rules provide for a wide range of activities within Suburban Centres as long as certain environmental and vehicle access/parking standards are met. Plan change 52 to this zone would also restrict the introduction of large scale retail activities to this locality, thus would make a supermarket a Restricted Discretionary Activity. Building developments are permitted within a 12m height limit with other height and location controls applying at the residential interface. There are no design controls for the external design and appearance, siting, layout or location of buildings and activities, nor are there any controls over landscaping or the need for it.

Option 3 – Amended Suburban Centre Zone provisions and introduction of a Concept Plan identifying activities to be provided and a set of urban design assessment criteria

The third option involves zoning the land Suburban Centre, applying the existing objectives of the zone but including new policies, rules, assessment criteria and a concept plan to guide all future development of the centre. A policy, rules and concept plan have been developed in order to fully assess the benefits and costs of this option against the others.

The concept plan requires there to be a component of medium density residential activity along with a supermarket, commercial (retail), community and healthcare activities and an area for public open space.

7.0 Assessment of options

7.1 Objectives

Section 32 requires examination of the ‘*extent to which each objective is the most appropriate way to achieve the purpose of the Act*’. The Council must therefore be satisfied that the current objectives in the District Plan are the most appropriate means of achieving the purpose of the RMA. In assessing this two objectives are important to analyse in accordance of the three options given above. These relate to those of the Outer Residential Area and the Suburban Centre, as assessed below.

Residential Area Objectives

4.2.1 *To promote the efficient use and development of natural and physical resources in Residential Areas*

4.2.2 *To maintain and enhance the amenity values of Residential Areas*

Option 1, ‘do nothing’, would result in the above objectives applying to the subject site. Whilst in part objective 4.2.1 does not discourage non-residential activities to locate in a residential area, it does not anticipate clustering of such activities to bring about the conversion of land from residential to commercial purposes. Furthermore,

objective 4.2.2 requires the maintenance or enhancement of residential areas. A commercial development would not be residential in character, thus would not be in keeping with this objective. Therefore neither of these policies would facilitate the promotion or development of a commercial neighbourhood centre and so are not appropriate ways to achieve the purpose of the Act in this case.

Suburban Centre Objectives

6.2.1 *To promote the efficient use and development of natural and physical resources within Suburban Centre areas.*

6.2.2 *To maintain and enhance the amenity values of Suburban Centres and any nearby Residential Areas.*

Options 2 and 3 would result in the land be zoned Suburban Centres and the above objectives would apply. By re-zoning the land the community's expectations as to future development of it will be raised and the identified need would be met, thus objective 6.2.1 would be satisfied. Objective 6.2.2 importantly recognises the need to maintain and enhance the amenity values of the surrounding residential areas which would be entirely appropriate to this site given the suburban nature of the locality. Accordingly the existing suburban centres policies are considered to be appropriate ways to facilitate the promotion or development of a commercial neighbourhood centre and would therefore assist in achieving the purpose of the Act.

7.2 Policies, rules and other methods - benefits and costs

Section 32(3)(b) requires Council to evaluate:

“whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;

Section 32(4) (a) states that this evaluation must take into account:

“the benefits and costs of policies, rules, or methods;

Table 1, below provides an assessment of the benefits and costs of the three options described above.

Table 1: Cost and benefit analysis of identified options

	Option 1 – Status Quo with Residential Area zone	Option 2 – rezone to Suburban Centres zone and apply existing provisions	Option 3 – rezone to Suburban Centres zone and apply amended provisions, including a concept plan
Environmental costs	<ul style="list-style-type: none"> • Residential zoning implies the land is not suitable as a Suburban Centre when the nature of the site, Council policy (NGMF) and resident consultation indicates that Suburban Centre is the best option. • Does not provide for commercial activities, and no clarity around how they could be provided for. Most applications would be notified. • Maybe inconsistencies in considering effects through the consent process. 	<ul style="list-style-type: none"> • Maintenance of amenity values would be difficult to control through the available bulk and location rules alone. The lack of design controls associates this option with a potential loss of amenity values. • Without controls the layout of the new centre is more likely to be inefficient without good public spaces and with less desirable buildings. • No control over the introduction of more sensitive land uses such as industrial/workshop type activities, controlled only by standards. 	<ul style="list-style-type: none"> • There are few identified costs as any adverse effects on amenity from the introduction of a small commercial centre are mitigated by the proposed design criteria through introduction of the concept plan.
Environmental benefits	<ul style="list-style-type: none"> • Would not be inconsistent with intent of encouraging compact urban form given residential development could continue to occur at this location. • Existing amenity values would be unaltered for adjoining and 	<ul style="list-style-type: none"> • Would enable further development of a sustainable community by providing for an identified need • The area will be contained. • Activities are managed at the Suburban Centre boundary with 	<ul style="list-style-type: none"> • The mixture of activities would be controlled • Activities are managed at the Suburban Centre boundary with bulk and location rules and environmental standards (e.g. noise).

	<p>adjacent residential properties to the extent that other residential development could occur as of right.</p> <ul style="list-style-type: none"> • Commercial development would be a discretionary activity, thus Council would have control over design issues. • Resource consent process would manage the effects of any proposed commercial activity 	<p>bulk and location rules and environmental standards (e.g. noise).</p> <ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Lower height limit of 9m. • Residential uses on the western and eastern boundaries will buffer commercial activities from existing residential activities. • The concept plan considers a wider range of adverse effects – particularly where design issues are concerned.
Social costs	<ul style="list-style-type: none"> • Identified community social need not met • An unpopular option with the community who support the need for a suburban centre. 	<ul style="list-style-type: none"> • The centre may not meet all identified community needs as there would be no control over what activities established. 	<ul style="list-style-type: none"> • None to identify
Social benefits	None to identify	<ul style="list-style-type: none"> • Neighbourhood centre that will meet some of the social needs of the community. 	<ul style="list-style-type: none"> • Suburban centre that will meet all or most of the social needs of the community. • An attractive space designed with Urban Design criteria. • Establishment of a focal point for the community, creating a sense of place.
Economic costs	<ul style="list-style-type: none"> • This option does not provide for the economic wellbeing of the community, thus is 	<ul style="list-style-type: none"> • The economic success of the centre is reported as being linked to inclusions of a supermarket – an activity 	<ul style="list-style-type: none"> • There may be short term opportunity costs for the developer in having to comply with this form of development

	<p>contrary to Part II of the Act.</p> <ul style="list-style-type: none"> • The consent path would be fraught leading to high processing costs through public notification and possible appeal by parties. • Time and money costs (e.g. petrol) on residents who would have to travel further a field for essential day-to-day services as a centre is not provided for. 	<p>which under these rules would not be required and which would require resource consent to establish under Plan Change 52.</p>	<p>rather than pursuing other development options</p> <ul style="list-style-type: none"> • Each proposal would require resource consent, thus imposing a minor cost on developers.
Economic benefits	None to identify	<ul style="list-style-type: none"> • An economic activity base will be established where a need has been identified. • Few proposals would require resource consent, thus compliance and consent costs would be minimal. 	<ul style="list-style-type: none"> • The concept plan approach will ensure the actual needs of the community are met (as determined by consultation) by specifying what activities can establish. • The concept plan will require certain activities considered to be integral to the economic success of the centre. • Time and money cost savings for residents who would have a neighbourhood commercial centre catering for their day-to-day needs.
Degree of achieving Council's strategic policies - i.e Northern Growth Management Framework	Low	Medium	High

<p>Effectiveness and efficiency costs (compliance and administration)</p>	<ul style="list-style-type: none"> • Time and financial costs for the developer associated with applying for resource consents, and potentially not gaining them • Time and financial costs for any residents who submit on notified applications. • Administrative costs on Council for processing applications (even though 75% of this is cost recoverable). 	<ul style="list-style-type: none"> • Costs of preparing and processing the plan change are met by Council. • Opportunity costs on the developer who may wish to pursue higher yielding, less risky options for development of the land. 	<ul style="list-style-type: none"> • Costs of preparing and processing the plan change are met by Council • Compliance costs for the developer would be less than Option 1, but more than Option 2
<p>Effectiveness and efficiency benefits (compliance and administration)</p>	<p>None to identify</p>	<ul style="list-style-type: none"> • No (or little) compliance and administration costs for the developer and Council. • Certainty for developer that all complying development is able to proceed. • Objectives and policies are clear that a range of activities are permitted. • Provides maximum flexibility thus administration efficiently would be high. 	<ul style="list-style-type: none"> • Smoother plan change process due to this option meeting community aspirations, thus the number and complexity of submissions is likely to be low. • The concept plan provides a clear direction for the developer, officers assessing applications and to the community on the nature and form of future development • Most applications would be processed on a non-notified basis without service so the consent process is efficient.

7.3 Policies, rules and other methods - summary

Option 1

Given the greater number of costs to benefits, option 1 is not favoured. In particular, this option is not considered to be in keeping with Part II of the Act in that the community's social and economic needs would not be provided for.

Option 2

Option 2 goes some way to providing for the community's social and economic needs, though the final outcomes are somewhat uncertain given the lack of controls provided for in the existing zone policies and rules. Financial costs in administering this option would be lower than option 3, however short and long term environmental costs may be higher because of the lack of control over development and types of activities that may establish. The level of conformity with Council's strategic objectives is also low. Overall it is considered the costs outweigh the benefits, and as such this is not considered to be the best way to meet resource management objectives and identified community needs.

Option 3

The benefits are considered to either outweigh or equal the costs in Option 3. This option would give the highest degree of certainty around activities and environmental effects. The emphasis on quality buildings and open spaces will promote an accessible community and compact urban form, allow the efficient use of resources and enhance the use of public transport. All identified community needs will be met, in accordance with the Northern Growth Management Framework, whilst a wider range of environmental effects will be managed than in option 2. The costs of the compliance regime, with all developments requiring consent, are mitigated by the 'non-notification' clause, which provides more certainty whilst the community will be protected by a wider range of environmental controls, mitigating the fact they will not have access to the resource consent process (if all standards and the concept plan requirements are met).

The compliance costs imposed on the developer for option 3 would be more than option 2 but less than option 1. However a well designed suburban centre undertaken in accordance with the concept plan would have more significant economic benefits for the community and possibly also the developer and future owners/tenants.

Taking into account all of the above, option 3 is considered to be the best way to meet resource management objectives and identified community needs.

7.4 The risk of acting or not acting

Section 32(4)(b) also requires Council to assess:

“the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.”

There is not considered to be uncertain or insufficient information about the subject matter. Accordingly all potential policies, rules and other methods can effectively be assessed.

8.0 Conclusion

A community need for a local or neighbourhood shopping centre was identified in 2003 through the work carried out in researching the Northern Growth Management Framework. A suitable site has been identified and this report has reviewed three options for its future development to meet that need. Of those options, option 3 - Suburban Centre zone with additional rules and concept plan – is the favoured option and thus forms the basis of the plan change proposal.

The Suburban Centre zoning together with the concept plan to be appended thereto will provide for a range of commercial, community, residential and open space facilities to cater for the day to day shopping and social needs of the community. The centre will be an important focal point for the Churton Park and Glenside communities and will help build a sense of identity for the area.

Economically all indications are that the centre will be a successful venture, though the inclusion of a supermarket is key to that success. Accordingly the concept plan requirements are for a supermarket to be provided.

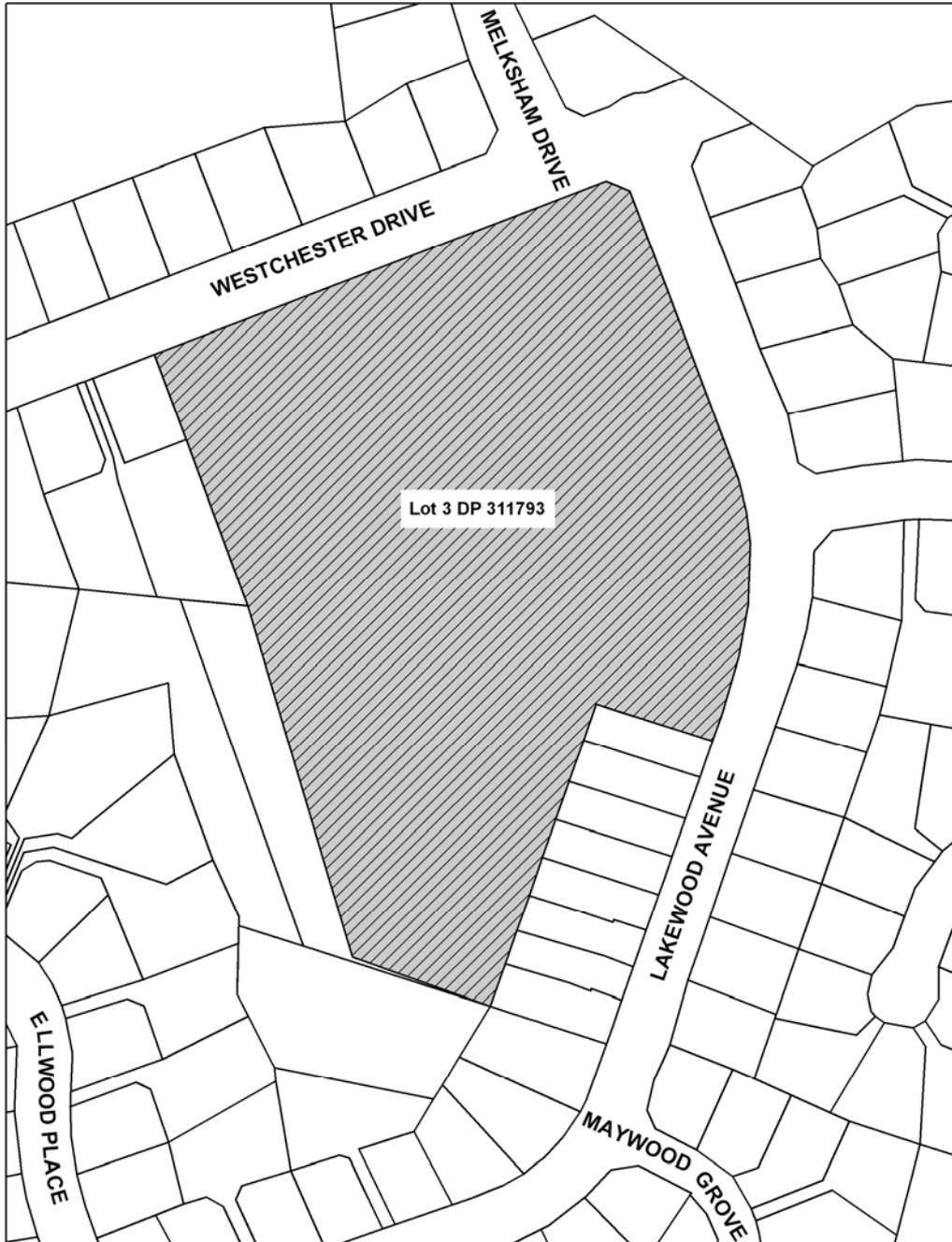
The provision for medium density housing within the concept plan will help support the centre by raising the population immediately around it. This also has the benefit of providing a residential buffer to existing residents who adjoin the centre zone.

The concept plan incorporates a number of important urban design principles that will deliver a high quality development through appropriately designed buildings and public spaces. This will assist in limiting the environmental effects on those residents living across the road and ensuring the amenity values of the suburb are maintained.

This section 32 assessment shows that this approach to guiding future development within the centre is the best way of giving effect to existing objectives of the zone and the resource management issues identified in the District Plan.

Overall it is considered this proposed plan change promotes the sustainable management of physical resources and is consistent with Part II of the Resource Management Act 1991.

Appendix 1 - Rezoning of Residential land on Lot 3 DP 311793, Churton Park



 Land currently zoned Outer Residential
to be zoned Suburban Centre

