


# WELLINGTON CITY DISTRICT PLAN – DPC77

## Submission form on publicly notified Proposed District Plan Change 77 Curtis Street Business Area

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

Submissions can be:	
<b>Posted to:</b> District Plan Team Wellington City Council PO Box 2199 Wellington	
<b>Delivered to:</b> Ground Floor Reception Civic Square/101 Wakefield Street Wellington	
<b>Faxed to:</b> (04) 801-3165 (if you fax your submission, please post or deliver a copy to one of the above addresses) Please use additional sheets if necessary	
<b>Emailed to:</b> district.plan@wcc.govt.nz	
Submission to be lodged by 5.00pm, Monday 11 March 2013	

Name and contact details:		
<b>Full Name:</b> Peter Alexander HENDERSON		
<b>Full Address:</b> 78 Homebush Road Khandallah WELLINGTON		
<b>Address for service of person making submission:</b> 78 Homebush Road Khandallah WELLINGTON		
<b>Email:</b> peter.henderson@xtra.co.nz	<b>Phone:</b> 04 479 0679	<b>Fax:</b> N/A

Trade competition and adverse effects:
I could not gain an advantage in trade competition through this submission.

**The specific provisions of Proposed District Plan Change 77 that my submission relates are as follows:**

The Open Space B segment of the land at Curtis Street which is the subject of DPC 77 should retain its current protective zoning.

**My submission is that:**

(You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on separate sheet(s) if necessary.)

a. I oppose that District Plan Change (DPC 77) proposal in respect of the part of the site that is currently zoned Open Space B being re-zoned as Business Area.

b. As an alternative, a 'land swap' whereby an area equivalent to that which is currently zoned Open Space B could be located elsewhere on the site that is the subject of DPC 77, such as the Old Karori Road side of the site. This would then facilitate access to the proposed Business Area from Whitehead Road.

Reasons for views:

1. Open Space B is a designation in the District Plan that facilitates the development and protection of ecological corridors *"to recognize and enhance the ecological connections between the Outer Green Belt and other parts of the city and region ..."* (Wellington's Outer Green Belt Management Plan)

2. The Curtis Street site is a linkage in a chain of ecologically significant sites between the South Coast and the Kaiwharawhara and Ngauranga corridors and includes such assets as Zealandia, Wilton Bush and the Outer Town Belt, no doubt providing the reason for part of the DPC 77 site having originally been designated as Open Space B.

3. While the Capital Coast Health v Wellington City Council provides grounds for the Outer Residential component of the proposed Business Area Site not being rezoned as Open Space (ref. S 32 report), the decision does not conversely provide grounds for the Open Space B component to be changed to a Business Area as:

- The land was properly designated as Open Space precluding the consideration of private ownership issues raised in CCH v WCC.
- As the site was acquired from the Council with a partial Open Space B designation by the previous owner, this environmentally protective measure should rightfully transfer to subsequent sale and purchase transactions.
- Established resource management caselaw confirms that the Council has the right to give regard the provisions of the District Plan ahead of private property rights.

4. Terrace Holdings purchased a site that contained a protected area and must therefore be required to accept limitations on the rights of development when the company's interests are weighed against the greater public good of retaining and developing a significant link in an ecological corridor.

5. The presence of other areas of Open Space reserves in the vicinity is not an acceptable reason to disregard the significance of the Open Space component of the Curtis Road site.

6. The retention of the protective zoning will help alleviate the predictable loss of an existing informal ecological corridor of regenerative indigenous vegetation that passes through nearby Outer Residential land, as further residential development in the area proceeds.

**I seek the following decision from the Council: (Please give precise details)**

To maintain the integrity of the city's ecological corridor network, any change that is made to the District Plan (DPC 77) must not reduce the area of land that is currently designated as Open Space B on the Curtis Street site.

**Please indicate by ticking the relevant box whether you wish to be heard in support of your submission**

- I wish to speak at the hearing in support of my submission;
- I do not wish to speak at the hearing in support of my submission

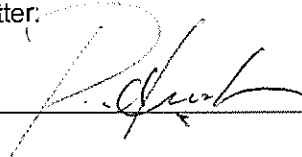
**Joint Submissions**

- If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

**If you have used extra sheets for this submission please attach them to this form and indicate this below:**

- Yes, I have attached extra sheets       No, I have not attached extra sheets

Signature of submitter:



Date 07/03/2013

***Personal information is used for the administration of the submission process and will be made public. All information collected will be held by the Wellington City Council, with submitters having the right to access and correct personal information.***