

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

Posted to	District Plan Team Wellington City Council PO Box 2199 Wellington 6011
Delivered to	Ground floor reception Civic Square/101 Wakefield Street Wellington
Faxed to	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.
Emailed to	district.plan@wcc.govt.nz
We need to receive your submission by 5pm, Monday 11 March 2013.	

YOUR NAME AND CONTACT DETAILS

Full name Creswick Valley Residents Association Inc		
Full address c/ 14 Creswick Terrace, Northland, Wellington 6012		
Address for service of person making submission As above		
Email creswickvalleyra@gmail.com	Phone 027 405 8951 (Secretary – Paul Barker)	Fax

TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*

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 TO ARE AS FOLLOWS *(Please continue on separate sheet(s) if necessary.)*

1. Presumption of commercial development for the whole site
2. Piecemeal urban planning with no clear limits
3. Impact on heritage values
4. Impacts on residential amenity including noise, lighting, dust and visual amenity
5. Traffic and congestion
6. Environmental impacts including wider catchment impacts on water run-off, soil contamination, impacts on flora and fauna
7. Transmission line impacts
8. Economic impacts
9. Status of the concept plan
10. Temporary activities

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.)

1. Presumption of commercial development for the whole site

- a. The Section 32 report makes several erroneous and misleading assumptions about development of the site. When the site was sold in 1998 it was clearly the new owner (Foodstuffs) that took on the risk in changing the zoning from Residential and Open Space. Furthermore there were several other proposals for less intensive development such as a gymnasium and small motor home park.
- b. The Section 32 Report misrepresents the legal position. The legitimate expectation of use of the site for the present landowner was provided by the zoning of the site at the time of purchase. The purchase price would have reflected the potential uses available with that zoning. It must be assumed that this zoning reflects the Council's considered assessment of the activities appropriate to this location.
- c. The Council has acted with a large degree of pre determination towards zoning on the site including instructing Council Officers to prepare for a Business 2 zoning in May 2012 before any consideration of the alternatives and community consultation had begun.
- d. The Council's public notice of DPC77 is biased towards a development outcome and the choice of photo is clearly designed to present an image of an abandoned site with little environmental or community value.
- e. The Curtis Street Business Area is introduced as being to provide for increased commercial activity in the western suburbs (35.1). Provision for commercial activities was considered by the Suburban Centres Review and addressed by DPC73. It would be inappropriate to introduce new provisions when adequate provision might already exist in DPC73 while DPC73 is still subject to appeal.
- f. The Section 32 report does not provide clear evidence of a need to provide for increased commercial activity and does not properly address the effect of doing so in a new suburban centre, rather than within the established suburban centres as has been proposed within DPC73. While greater commercial activity within Karori might be an aspiration of commercial property developers within that suburb, it is not a proper consideration and there is no evidence provided that the present pattern of commercial activity is not efficient and sustainable.

2. Piecemeal urban planning with no clear limits

- a. DPC77 introduces new rules for commercial activities specific to this site. DPC73 provides for two new suburban centre activities zones: Business 1 and Business 2. Despite this, the site appears to be so little suited to commercial activity that neither Business 1 nor Business 2 zoning is appropriate. DPC77 introduces piecemeal urban planning and local exceptions and added complexity, rather than a consistent and comprehensive set of objectives, policies and rules.
- b. There does not appear to be any signal in the objectives, policies or rules about what scale and intensity of development is unacceptable on the site. This creates a level of uncertainty about the form of development that might ultimately be approved by Council
- c. The objectives, policies and rules of DP77 provide insufficient direction or clarity regarding the limit to development of the site such that it is not possible to accurately assess the scale or type of development that might occur on the site pursuant to the new zone. This makes it very difficult to evaluate the potential adverse affects of development on residents in the locality and/or the impact on other nearby commercial centres.
- d. Incremental development of the site could potentially occur as a permitted activity or through concept plans that separately avoid 500m2 restriction but which cumulatively provide for significantly more building footprint than 500m2 as controlled activity. The Linkage between concept plan rules and related assessment criteria seems weak

- e. Neither DPC77 nor the Section 32 Report provides adequate arguments for the loss of open space by the inclusion of the Open Space B zone area within the proposed Business Area.

3. Impact on heritage values

- a. Given the readily available evidence that parts of the site were occupied before 1900 and have not been significantly covered by subsequent fill, the Heritage Assessment undertaken for the Section 32 Report was inadequate and off the point.
- b. No provision is made for a heritage assessment to be undertaken prior to any earthworks or development of the site.

4. Residential amenity including noise, lighting, dust and visual amenity

- a. Noise levels as measured in receiving residential areas are proposed to be higher than existing outer residential zoning. As noise generating activities on the site may be as few as 20 metres away from the nearest residents' houses then all noise levels, including fixed plant noise, should not exceed that set for residential areas.
- b. The Section 32 report has not assessed the effects of noise from commercial activities on the site after the development of the site in accordance with the rules being proposed. The cumulative effect is not addressed.
- c. Lighting – a general limit of 8 lux across the whole site is inadequate to provide privacy for residents and to ensure the surrounding green areas and wildlife habitat are not adversely affected. More requirements for screening and limits on lighting are needed to protect the glow worm colonies and buffer planting and regenerating areas on the fringes of the site.
- d. Lighting limits should be in keeping with levels that do not detract from the character of the open space or of the ecological corridor adjacent to the site.
- e. The rules to control potential dust and visual amenity affects are inadequate to protect residential amenity of persons living in the locality.

5. Traffic and congestion

- a. The Section 32 Report indicates increases in traffic incompatible with the capacity of adjoining roads and the creation of unacceptable road safety risks and on-street parking demands at certain levels and types of commercial activity, but DPC77 does not address the maximum levels of activity envisaged or give a clear limit to development of the site or restrict access to the site in accordance with the road safety risks identified in the Traffic Assessment.
- b. Although the Traffic Assessment refers to significant potential adverse effects on Northland from the proposal, and implies significant adverse effects on Karori Road beyond the intersection with Chaytor Street, the assessment has been arbitrarily limited to only a few intersections and specifically excludes five intersections likely to have more than minor adverse effects from the proposal.
- c. DPC77 would need to include specific provisions for entry and exit to the site recognising the constrained topography and limited options for safe egress, especially for vehicles servicing commercial activity within the site. Adequate provision for maintaining public access to the City to Sea walkway and for walking and cycle access to and past the site, and for parking for existing approved activities in Old Karori Road once the child care centre is fully operational have not been provided for.
- d. Greater parking provision on the site, given the risk of increased demand for on-street parking on adjoining streets, would serve to increase significantly the area of impervious surface on the site immediately adjacent to the culvert of the Kaiwharawhara Stream. Provisions made for restrictions on activities that generate increased traffic volume and parking demand appear inadequate.

6. Environmental impacts including catchment impacts of run-off, soil contamination, impacts on flora and fauna

- a. The provisions to protect the seepage wetlands and buffer vegetation that extends within the site, and which are described in the technical assessment within the Section 32 Report as being regionally significant, are wholly inadequate. The removal of regionally significant vegetation is a Permitted Activity within DPC77.
- b. A significant part of the site was identified within the Section 32 Report as being worthy of being set aside in order to maintain a regionally significant ecological corridor connecting the near-contiguous green belt of open space within the valley of the Kaiwharawhara Stream, but nothing in DPC77 recognises or implements this.
- c. The Section 32 Report promotes rationalisation of zoning entirely on the basis of economic use of the site, without consideration of residential amenity, landscape character or ecological values. It provides no evidence to support the argument that increased economic activity on the site would increase community social well-being.
- d. DPC77 gives no mention to the current published Council plans for this site within the Outer Green Belt Management Plan, which shows the site being included within Council-owned open space in order to enhance the ecological corridor as a future initiative in May 2004, or the Biodiversity Action Plan 2007, which seeks to protect and enhance the natural landscape, ecosystems, homes and recreation areas within the Kaiwharawhara Stream catchment.
- e. DPC77 does not address the impacts on biodiversity by creating less green open space and more impervious surfaces.
- f. DPC77 provides insufficient protections for soil removal and site works, given the high likelihood of contaminated soil already on site. There is no specific requirement for a soil assessment for contamination to be provided with any application for a resource consent for earthworks, despite the known history of the site.
- g. Specific restrictions on discharges that could impact on the Kaiwharawhara Stream are insufficient.

7. Transmission line impacts

- a. As the site is bisected by a high voltage transmission line corridor Transpower's Transmission Line Buffer Corridors Policy (September 2012) should apply, so that no structures may be built within a 12 metre red zone either side of a centre line of the transmission lines.
- b. No consideration has been given to potential EMF exposure of employees engaged in commercial activities on the site beneath the transmission lines.

8. Economic impacts

- a. The Section 32 Report Economic Impact assessment is deficient in that it does not provide analysis of the likely impact on existing Centres – specifically Northland, Marsden Village and Karori – of development of a new Business Area on this site, but implies that the adverse effects would be significant in discussing vacant retail premises in neighbouring centres.
- c. The encouragement within DPC77 of multiple business uses on the site does not address possible displacement of existing businesses within nearby centres and therefore the impact on the viability of those centres, and is potentially inconsistent with the analysis within the Traffic Assessment in the Section 32 Report.
- d. DPC77 does not provide sufficient controls on activities to avoid adverse effects on the wider landscape and nearby residential areas. There is no signal within the objectives, policies and rules as to what scale and intensity of development is unacceptable on this site.

9. Status of the concept plan

- a. DPC77 provides for voluntary application for approval of a concept plan. Given the significant challenges with developing the site and avoiding adverse effects any Concept Plan should be both obligatory and publicly notified.

- b. Failure to require a comprehensive Concept Plan for development of the site opens the possibility for incremental development to achieve a gross floor area significantly greater than 500m² without being subject to proper controls.

10. Temporary activities

- a. Temporary activities are permitted activities however PC77 does not include a definition of “temporary activities”. PC77 needs to provide more clarity and certainty as to what can occur as a temporary activity on the site, and ensure that such activities do not cause significant adverse effects on residents.

WE SEEK THE FOLLOWING DECISION FROM THE COUNCIL *(Please give precise details.)*

1. Reject proposed District Plan Change 77 providing for increased commercial activity in the western suburbs until any need for such provision not already provided by DPC73 has been demonstrated.
2. Retain the existing zoning of the site or alternatively amend PC77 to give full effect to Council’s existing plan for this valley such that the site is zoned and managed to be within Council controlled open space to enhance the ecological corridor as indicated in “future initiatives” of the Wellington Outer Green Belt Management Plan May 2004.
3. If DPC77 is not rejected, undertake a proper Section 32 analysis of the economic, traffic, residential amenity (including noise and light) site contamination and ecological effects of the proposed zoning, and provide a properly qualified expert heritage assessment of the site; and
4. Amend DPC77 objectives, policies and rules (including notification provisions and assessment matters) to better avoid, remedy or mitigate the potential adverse economic, traffic, residential amenity, site contamination, ecological and heritage effects of commercial development on the site
5. Without limiting the above general relief, make the following specific changes to PC77-
6. Remove from the area proposed to be rezoned the Open Space B zoned area (marked by the red boundary on the map of the proposed rezoning); and
7. Provide specific rules to control the permissible development on the site to protect and maintain the existing vegetation on the western and eastern boundaries; and
8. Provide specific rules to control the permissible development on the site to protect and maintain a clear corridor beneath the high voltage transmission lines; and
9. Provide specific rules to control the permissible development on the site to avoid any increase in volume, velocity, contaminant load or temperature of stormwater entering Kaiwharawhara Stream from the site.
10. Provide direction in the objectives, policies and rules as to the scale and intensity of commercial development considered appropriate on this site
11. Amend DPC77 to incorporate (a) the specific relief sought above and/or (b) amendments which support the alternative approach to managing the site as Council controlled open space to enhance the ecological corridor as indicated in “future initiatives” of the Wellington Outer Green Belt Management Plan May 2004 and/or (c) any consequential and/or additional amendments that are necessary to address the concerns raised above and give full effect to the intent of this submission.

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 submissions.

JOINT SUBMISSIONS

We will consider presenting a joint case with others at the hearing.

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW

No, I have not attached extra sheets.

SIGNATURE OF SUBMITTER

(or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature Paul Barker, Secretary, Creswick Valley Residents Association

Date 11 March 2013

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