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**REPORT 2**  
*(1215/52/IM)*

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**PROPOSED DISTRICT PLAN CHANGE 61 –  
RE-ZONING OF LAND AT HUNTLEIGH PARK, NGAIO  
FROM RURAL AREA TO RESIDENTIAL (OUTER)**

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**1. Purpose of Report**

To seek approval to notify proposed District Plan Change 61, to re-zone land at Huntleigh Park, Ngaio from Rural Area to Residential (Outer) and to impose area specific controls to manage future residential development and indigenous vegetation clearance.

**2. Executive Summary**

Proposed Plan Change 61 relates to six Rural Area-zoned properties on the northern residential edge of Ngaio and Crofton Downs. The properties range in size from 1,471m<sup>2</sup> to 1 hectare, and apart from the existing residential sites, all of the land is covered in remnant and regenerating indigenous vegetation.

The existing Rural Area zoning is considered inappropriate given that it is not used for rural purposes and is within the urban environs of the city. This was acknowledged at the time the District Plan was notified in 1994, and a decision was made to re-consider this zoning as part of a plan change at a later date.

The current zoning does not allow for any further residential development on the properties except for 11A Huntleigh Park Way, where the construction of one dwelling is a discretionary activity (restricted). All but one of the landowners has expressed a desire to develop the properties in a low density manner for further residential purposes at some stage in the future.

While most of the indigenous vegetation is ecologically significant, however, there are no vegetation clearance restrictions applying to this land. There is a risk that the land could be cleared at any stage in the future or the ecological values compromised by grazing and other inappropriate land uses.

**3. Recommendations**

It is recommended that the Committee:

- 1. Receive the information.*

2. *Agree to notify Proposed Plan Change 61 - Re-zoning of land at Huntleigh Park, Ngaio from Rural to Outer Residential (attached as Appendix 1 of this report) in accordance with the First Schedule of the Resource Management Act 1991.*
3. *Agree to adopt the Section 32 report for Proposed District Plan Change 61 (attached as Appendix 2 of this report).*
4. *Delegate to the Portfolio Spokesperson for Urban Development the authority to approve any minor editorial changes to Proposed District Plan Change 61 prior to notification.*
5. *Note that the Council will continue to engage with landowners regarding various further conservation options including covenants, purchase of land and other land management initiatives.*

#### **4. Description of land and background**

This Council-initiated plan change relates to six Rural Area-zoned properties on the northern edge of Ngaio and Crofton Downs. The properties gain access off Huntleigh Park Way, Heke Street and Thatcher Crescent, Ngaio (refer to the maps attached in Appendix 1 to this report). These allotments range in size from 1,471m<sup>2</sup> to 1 hectare, and apart from where the existing dwellings are sited, all of the land is covered in remnant and regenerating indigenous vegetation.

The land was zoned Rural when the District Plan was notified in 1994. The Residential G zoning in the Transitional District Plan was a 'rural residential' zoning that provided for large residential lots with a minimum average of 6,000m<sup>2</sup>. As there was no similar zoning provided for in the Proposed District Plan it was decided at the time that it would be zoned Rural Area.



*(Above) View of Huntleigh Park and adjoining land from the frontage of 18 Silverstream Road.*

*(Right) Existing District Plan Zonings and aerial photograph of subject area.*



The zone provisions do not provide for any further residential development, except on the undeveloped land at 11A Huntleigh Park Way where only one dwelling can be developed.

Reports prepared by Paul Blascke (ecologist) and Clive Anstey (landscape architect) and more recently by Boffa Miskell (landscape architects and planners) all acknowledge the ecological importance of the Huntleigh Park land and the need to protect this land from inappropriate use and development. Many permitted rural uses would require the land to be cleared and there are no indigenous vegetation clearance controls that would prevent this from happening. Any of the present or future landowners would be able to clear all of the land as of right.

An explorative, 'in principle' report was provided to the Strategy and Policy Committee on 17 August 2006. The report outlined an option for the land to be rezoned from Rural to mostly Outer Residential and Conservation Site, with the small portion of land owned by The Girl Guides Association of New Zealand (off Silverstream Road) zoned Open Space A.

The Committee heard representations from five of the landowners (listed in Table 1 below) four of whom were concerned with the proposed restrictions applying to the further residential development of their property. The fifth landowner, Gordon Purdie, did not wish to undertake further residential development on his property, and wanted Council to prevent any further residential development on his neighbours' properties. Mr Purdie has since indicated that he would like to undertake limited bush clearance immediately adjacent to his house.

**Table 1: Landowners affected by the Plan Change**

<b>Landowner</b>	<b>Address</b>
Dave Chester & Sara Kubala	11A Huntleigh Park Way, Ngaio
Gary & Pru Taylor	83 Heke St, Ngaio
Thomas Stahlberg	79 Heke St, Ngaio
Cathy Wood & Jeff Jewell	21 Thatcher Crescent, Crofton Downs
Gordon Purdie & Diane Stanley	19 Thatcher Crescent, Crofton Downs

The Committee asked that officers undertake further consultation and explore alternative zoning options.

The Council commissioned Boffa Miskell Limited to prepare a development framework for this land. Their report identified the ecological and technical issues around the potential for further development of the land and supported the previous ecological and landscape assessments that the majority of the land is of high ecological value. The consultants identified specific sites where it would be possible to develop the land for residential use with the least adverse ecological and landscape impact. The report recommended that indigenous vegetation protection measures be put in place to protect the balance of the land.

## **5. Consultation**

Further consultation was initiated with the land owners and their neighbours in November 2006. Landowners were also asked to consider whether they supported protection of the indigenous vegetation outside of the identified dwelling sites. This included private covenants over the land and/or a Conservation Site zoning. Private covenants rely on the willingness of all the landowners to agree to them. Some of the landowners were receptive to this approach. However those landowners who recognised the importance of protecting the bush areas preferred that Council purchase the land.

Following discussions with the landowners, letters seeking feedback on the proposal were circulated to residents in the immediate vicinity of the land, to the Trelissick Park Group, the Ngaio Progressive Association, and the Wellington Branch of Forest and Bird. The relevant information was also made available to any people who requested it. This consultation was completed at the end of May 2007.

A total of 18 submissions were received from residents in the area, all of whom were opposed to further residential development and wanted protection of the indigenous bush. The main issues raised by the submitters were:

- the remnant and regenerating vegetation on the land is ecologically important and no further development should be allowed;

- the topography and elevation of the land means that it is highly visible and an important backdrop to the city;
- further development may lead to traffic congestion problems in the area; and
- an insufficient level of consultation has taken place.

The *Trelissick Park Group* requested that all of the land be protected with covenants and a Conservation Site zoning, with an Outer Residential Area zoning limited to around the existing houses. If this was not possible, the submitter requested that the District Plan allow only one or two houses on 11A Huntleigh Park Way, 1 house each on 79 and 85 Heke St and 21 Thatcher Crescent. No house should be provided for on 19 Thatcher Crescent as the landowner does not wish to develop his land further.

A submission by the *Ngaio Progressive Association Inc* requested that Council purchase the land. Gordon Purdie also submitted on behalf of the *Wellington Branch of Forest and Bird*. The submission requests that all of the land be zoned Conservation Site and that no further residential development be permitted on the land.

## 6. Proposed Plan Change provisions

Further consideration of the zoning options and the consultation feedback has led to a revised zoning approach which it is believed will provide a reasonable balance between allowing some targeted and controlled residential development while ensuring that the ecological integrity of the land is maintained.

The following approach is recommended as Proposed Plan Change 61 (as contained in Appendix 1, see attached):

### *Zoning*

1. The current Rural Area zoning will be replaced with a Residential (Outer) zoning over the six properties, but new targeted rules for proposed residential development will apply to all except for the property at 69 Heke Street.<sup>1</sup>

### *Indicative residential building sites*

2. There will be an indicative residential building site on four of the properties (79 and 83 Heke Street, 19 and 21 Thatcher Crescent) that already have an existing dwelling, with two building sites on the undeveloped land at 11A Huntleigh Park Way. Each residential building site is permitted to accommodate up to two household units.<sup>2</sup>

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<sup>1</sup> *The property at 69 Heke Street has not been the subject of an ecological or landscape assessment but as it is zoned rural and occupied by an existing house it is appropriate that it be rezoned at this stage.*

<sup>2</sup> *It is noted that while a residential site has been identified on 79 Heke Street, the house on this property prevents access being gained to the rear of the property, and the only way to access the site would be*

3. All residential development associated with these 'sites' would be assessed as a *discretionary activity (unrestricted)*. Development could be notified if the written consent of affected parties is not able to be obtained or the environmental effects are more than minor.
4. An environmental impact assessment will be required as part of any resource consent application. This shall specifically address vegetation clearance and earthworks.

#### *Development outside of the indicative residential building sites*

5. Any development proposed outside of the residential building sites would be a non-complying activity (and probably notified). Development of this nature would generally not be supported.
6. Landowners will be able to undertake normal residential extensions and development associated with their existing dwellings, subject to compliance with the relevant Outer Residential Area provisions.

#### *Indigenous vegetation clearance*

7. Indigenous vegetation clearance would generally be permitted as part of a resource consent application when developing on an indicative building site and in the creation of vehicular access to the site. This rule does not preclude the landowners using other mechanisms such as QEII open space covenants and other conservation covenants to protect indigenous vegetation on their land.
8. Elsewhere only limited vegetation clearance up to a maximum of 100m<sup>2</sup> will be permitted. This is intended to provide for general maintenance around existing houses.

It is noted that the Girl Guides land and other property owners to the south who supported the original re-zoning proposal and continue to do so, are not included in Proposed District Plan Change 61. It is intended to include these sites in the next compilation of minor changes to the District Plan later in the year. No specific rule restrictions would apply to their land other than what currently applies either in the Outer Residential Area, Conservation Site or Open Space B Zones (which might be applicable).

## **7. Conclusion**

The concerns of the landowners, resident and community groups have been carefully considered in the preparation of this plan change. Proposed District Plan Change 61 strikes a reasonable balance between allowing some targeted and tightly controlled

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*from the adjoining neighbours' driveway (83 Heke Street). Whilst these neighbours have indicated that their consent is not likely to be forthcoming, it is considered that the potential for developing this land should still be recognised in the District Plan.*

residential development to occur and ensuring the ecological integrity of the land is maintained. All but the most minor development will require a resource consent at which point detailed assessments of environmental effects can be undertaken and informed decisions made.

A number of submissions were received from residents in the immediate locality concerned that a valuable area of indigenous vegetation might be lost or destroyed through more intensive residential development of this land.

The site-specific investigations that have been undertaken in the preparation of this plan change show that it is possible to accommodate further limited residential development on these properties at specific sites. Most of the landowners accept that there needs to be a balance between allowing further residential development and conservation of the indigenous vegetation.

*Contact Officer:        Brett McKay - Manager, Planning Policy*

## Supporting Information

### **1) Strategic Fit / Strategic Outcome**

This matter is directly related to the Long Term Council Community Plan 2006/07- 2015/16, expressed through the District Plan. The Council must also have reference to its statutory obligations under the Resource Management Act 1991.

The key outcomes area are:

#### **Environment**

##### **Outcomes**

We want Wellington to be more liveable, more actively engaged, better connected, more sustainable, safer, healthier and more competitive, and to have a stronger sense of place.

#### **Governance**

##### **Outcomes**

We want Wellington to become more inclusive and Wellingtonians to be more actively engaged.

### **2) LTCCP/Annual Plan reference and long term financial impact**

Relates to updating the District Plan. This project is part of the District Plan Team budget

### **3) Treaty of Waitangi considerations**

There are no specific Treaty of Waitangi implications

### **4) Decision-Making**

This is not a significant decision. It relates to the updating of the District Plan to reflect current land use patterns

### **5) Consultation**

#### **a) General Consultation**

Consultation has been undertaken with affected property owners of the land and residents and community groups in the locality of the land.

#### **b) Consultation with Maori**

No consultation has yet been undertaken with Mana whenua. This will occur at the next stage of the consultation process.

### **6) Legal Implications**

Council's legal advisors will be consulted in the continuing development of the proposed plan change

### **7) Consistency with existing policy**

The proposed plan change will be consistent with the agreed direction of policy development for updating the District Plan