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KHOURI AVE LAND EXCHANGE PROPOSAL

1. Purpose of Report

To present a proposal to exchange a piece of reserve land located at the northern end of Khouri Ave, Karori for residentially zoned land higher up the slope.

2. Executive Summary

The proposal is to swap the majority of a piece of public reserve land (the Lower land – Sec 1 SO32138) at the end of Khouri Avenue with the majority of a larger piece of privately owned, outer residential zoned land running up to the skyline ridge (the Upper land – Lot 2 DP53184) currently owned by Vinrik Contractors Limited but who have contracted the development rights to Upper Hutt Developments Ltd. The Upper land will become part of Council's open space land (the Outer Green Belt), and the Lower land would be developed into residential allotments.

The proposal is attempting to find a balance between a number of issues such as:

- € privacy for existing residents
- € open space values (green belt, landscape)
- € traffic management (safety, efficiency)
- € recreation opportunities
- € good urban form for the city.

While public consultation has occurred it has focussed on nearby residents. There has been no wider exploration of the proposal. Local residents do not support the proposal due to the loss of local amenity and traffic concerns. The recommendations of this Report, if adopted, will initiate the public submission processes for the reserve classification revocation and the consequential District Plan changes.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree in principle to the proposal to exchange 2.4875 ha of reserve land at the end of Khouri Ave, Karori for 4.9810 ha of privately owned, adjacent land to the north.*
3. *Agree to officers negotiating an agreement with the developer/owners to give affect to the exchange on the basis of:*

- € *The area of land on the Lower Land that is to become residential development and the area of land on the Upper land to become reserve (identified on Plan SO2-0390-03) will exchange at no cost*
 - € *The Council will undertake the notification and processing of the land exchange under section 15 the Reserves Act 1977*
 - € *The Council will undertake the processing of the District Plan change*
 - € *The developer/owners will provide the assessment of environmental effects, section 32 analysis and any required background research for the Plan Change*
 - € *The developer/owners will undertake the subdivision application and will meet all costs of meeting any subdivision consent conditions (such as upgrades to public infrastructure if required, development of easements and preparation of covenants)*
 - € *Each party will bear their own legal costs.*
4. *Agree to initiate the consultation process to affect the land exchange under section 15 of the Reserve Act 1977 following the signing of the agreement.*
 5. *Agree that officers draft a District Plan Change to re-zone the relevant pieces of land.*
 6. *Note that the developer/owners require a subdivision consent before the land exchange can be completed.*

4. Background

As part of the development of the District Plan a number of privately owned sites around the city were identified as having important open space values. A decision was made that it would be preferable to negotiate with the owners of such sites rather than face a potential litigious District Plan appeal process.

An open space assessment was carried out on Council's behalf and a number of recommendations were made to Council. In 1998 the Cityscape Committee resolved:

1. *THAT it be policy to pursue agreement with the owners of land at Houghton Bay, Island Bay, Crofton Downs, Korimako Stream, Makara Road and Kaiwharawhara to secure their protection through acquisition, covenants, **land exchanges** or other protective agreements; (Text in bold added by Committee).*

The Karori - Makara Road site was identified as having major importance as an open space landscape for the Karori area. In 1999 an approach was made by Council to the owners of the property suggesting a land exchange – based on a concept plan. The focus was on retaining the higher slopes and areas of important vegetation.

Subdivision designs for the Upper land have been proposed in the past. The most recent is attached as Appendix One. It should be noted however that this is not the full extent of development that could occur on this site.

In October 2002 this discussion was re-initiated by Spencer Holmes Ltd acting for Upper Hutt Developments Ltd. This company now holds the rights to purchase and develop the upper land which is owned by Vinrick Contractors Ltd. These discussions started from the point of view of a straight swap of land titles however officers thought that better city outcomes could be achieved through a proposal that used parts

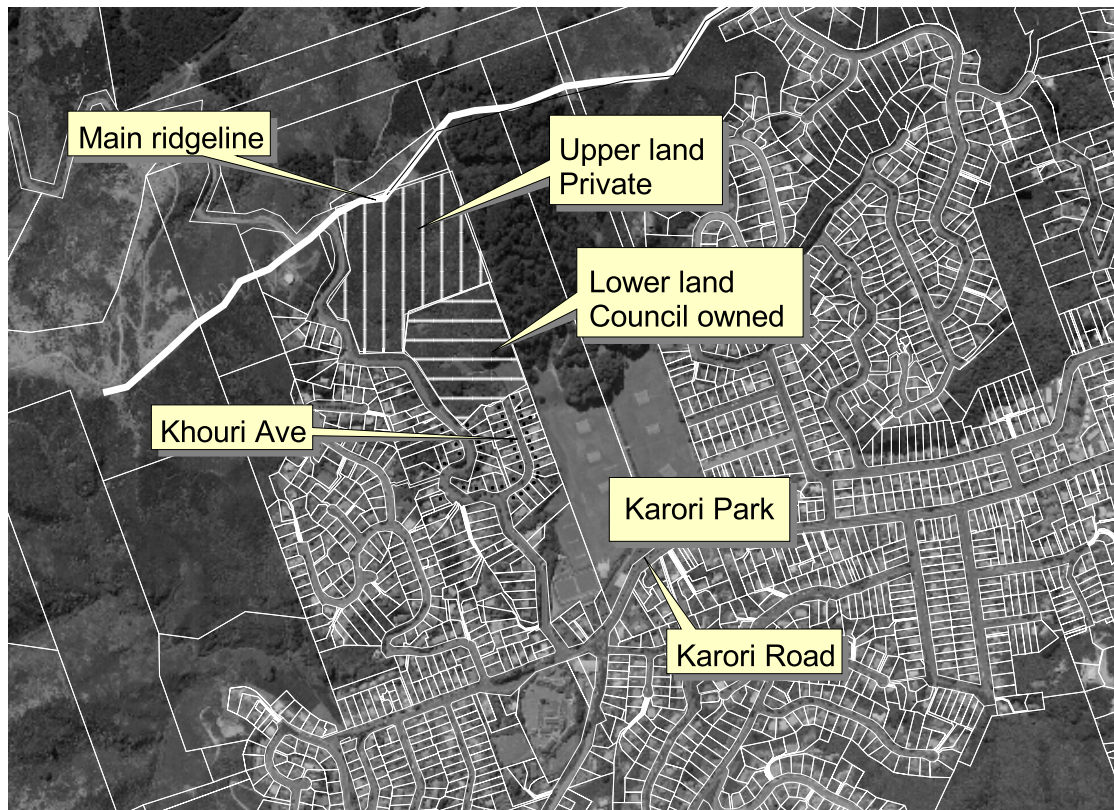
of both pieces of land. The development proposal was therefore designed to protect as much of the natural values of the site as possible. Following this, discussions were held with the local community about the proposal. As a result of public meetings, amendments were made to the proposal to provide buffer areas for the existing residents and to protect as much as possible of the stream environment.

5. Description of the Land Involved

The two areas of land are described as follows.

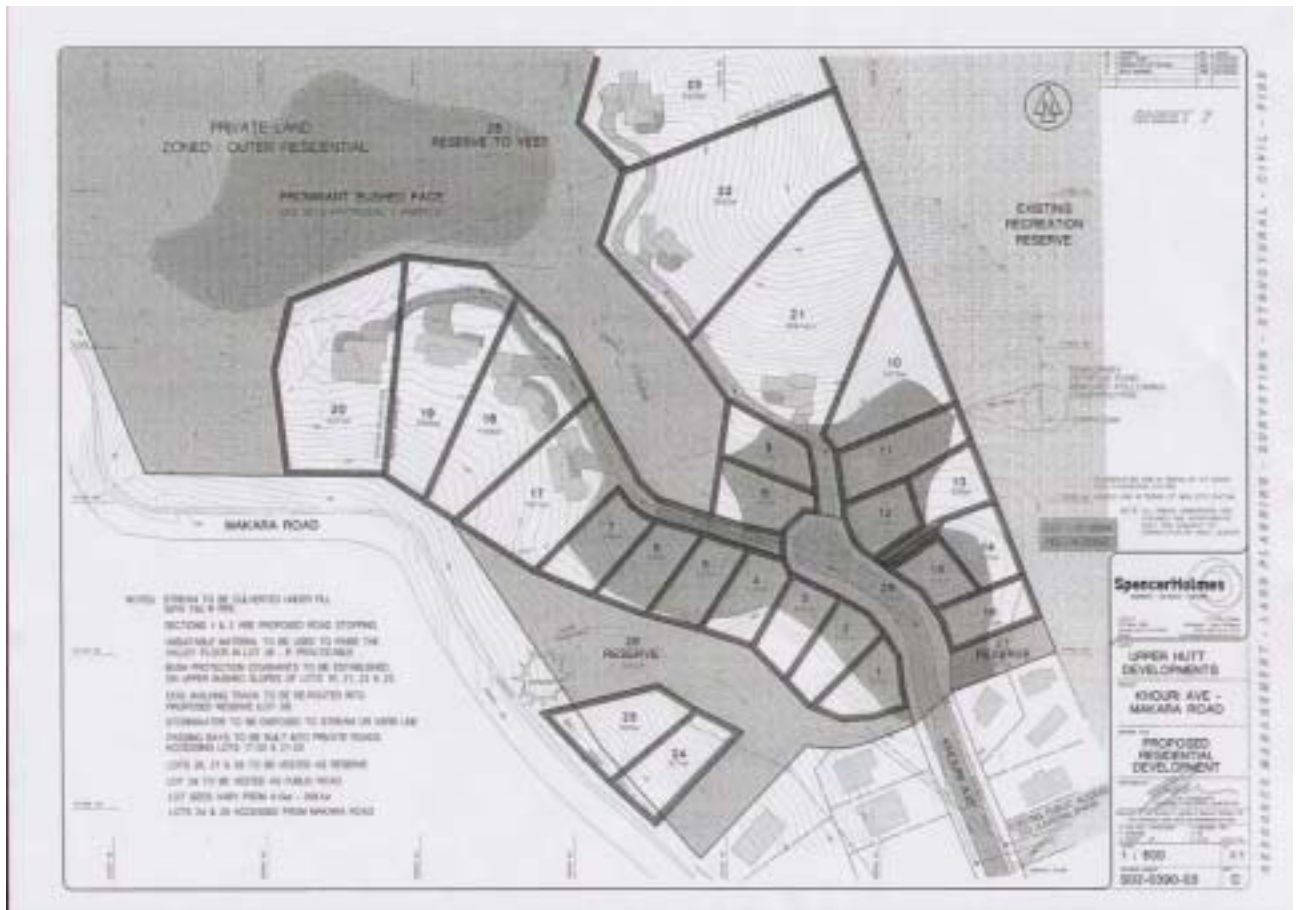
Upper Land	Lower Land
Part Lot 2 DP53184 5.5602ha Outer Residential Fee simple Private Ownership	Section 1 SO32138 3.277ha Open Space B Recreation Reserve

The Lower land was transferred to Council under section 42 of the Public Works Act for recreation reserve purposes on 30 July 1991. Prior to that date the land was held for school purposes.



The proposal is to swap the majority of these sites as a land exchange to produce the development shown below. The proposal is not a complete swap as three areas of the lower land will be retained by Council (an area of stream, and two buffer/access areas - lots 26 and 27) and two lots will be located on the upper land – lots 20 and 23.

The following plan shows the boundaries of the proposed land exchange:



The areas of land involved in the proposal are as follows:

	Upper land	Lower land
Current Ownership	5.5602 ha Private	3.2770 ha Public reserve
Proposal	4.9810 ha Public reserve 0.5792 ha Private	2.4875 ha Private 0.7895 ha Public reserve

The total area of reserve land increases from 3.277 ha to 5.7705 ha.

6. Discussion

6.1 Values of the Upper and Lower land areas

Proposals to purchase, sell or exchange open space land are examined using the following criteria:

- ∄ Landscape
- ∄ Ecological
- ∄ Cultural
- ∄ Recreational
- ∄ Heritage
- ∄ Management Issues.

6.1.1 Landscape

The Outer Green Belt vision encompasses landscape, ecology, recreation and heritage values associated with the main ridgeline to the west of the city. Of these, the protection of the ridgetop and hilltop landscapes is probably paramount as the other values are essentially dependant on the maintenance of the open landscape character

of this ridge system. The outer residential land above Khouri Avenue encompasses a significant section of unprotected ridgeline which would ideally be part of the Outer Green Belt. If developed, as the present zoning allows, a significant part of this property would become part of the built environment, visually intrusive and not very well connected to nearby urban areas.

The Draft Outer Green Belt Management Plan (OGBMP) references the proposal as a particular mechanism for achieving the stated vision. Clearly residential development of the main ridgeline is not supported by the Draft OGBMP. The relevant sections of the Draft OGBMP are:

Sector 5: Makara Peak

5.5.2.3 Outer Green Belt Protection: Makara Road

The area to the north of Council Management Area 5.1.14 – running up to the ridgeline – and to the south of Council Management Area 5.1.13 is one of the few areas within the OGB where residentially zoned land intrudes onto the main ridgeline. The objectives of this Plan cover this specific area through the criteria in section 2 – particularly criteria 2.1.1 and 2.1.5.

The Council will work to protect the key landscape values associated with this land. In particular this will involve working with the developers of this land to maintain an undeveloped skyline, including the Makara Road saddle. Key viewpoints to establish the view of the skyline are from Karori Road and Karori Park.

2nd bullet point under Long Term Vision page 115

- € *Seek to protect the landscape values of the Makara Road Saddle and main ridgeline to the south of Council Management Area 5.1.13. Consideration should be given to purchase, reserve provision as a result of subdivision, and land exchange.*

The existing reserve at the end of Khouri Avenue is less important for landscape protection as it is considerably less prominent and the subdivision would occur at a lower contour height and would include less significant landscape features. Appendix Two and Three provide views of the subdivision alternatives for the Upper and Lower land areas. An intervisibility study – which looks at what areas can see a particular point – shows that both sites are similar in visibility. The study could only test the lower part of the Upper land as the 2m contour information used for the study does not cover the whole of the Upper land. The study used “worst case” scenarios to assess visibility. The higher areas of the Upper land are slightly more visible to a greater proportion of the Karori basin and this degree of visibility would increase up towards the saddle.

The overall effect would be a substantial improvement of this section of the Outer Green Belt, both in terms of landscape protection and recreation access. It also develops an appropriate extension of the urban environment edge at Khouri Avenue.

6.1.2 Ecological

The area is generally regenerating vegetation typical of the area and of south facing slopes. These slopes are generally wetter due to the shading that occurs. This provides a localised environment that is more conducive to regeneration by native species. A useful indicator of regeneration in these conditions are the tree-fern species. A number of these are present on both the upper and lower land. There are a number of weed

species that are present including gorse and barberry. There are no identified forest remnants on the reserve.

The Lower land and the gullies of the Upper land are more advanced in terms of regeneration of native species due to the topography and microclimate. The ridges of the Upper land, being exposed to more sunshine and wind, have a lower level of regeneration.

The ecological survey of the Upper and Lower land areas has not found anything uncommon by way of species or ecosystems except for a population of tree fuchsias (*Fuchsia excorticata*). These are described as significant in the west Wellington context and locally common for Wellington. They are under threat from possum browsing. There are reasonable numbers of fuchsia in the Burrows Avenue Reserve, Karori Sanctuary, Wilton Bush, Trelissick Park and Khandallah Park. Only Lot 23 of the proposed development plan has the potential to significantly impact on this population and this is partly addressed through the proposed bush covenants.

The proposal includes piping a section of the stream that flows from the immediate catchment. The extent of this piping has been reduced but is still approximately 85 metres in length. While Council's Bush and Streams Policy does not support the piping of streams, this catchment is already compromised by the culverting downstream of the site. It is unlikely that the new proposal will cause any further deterioration of stream quality. Officers discussed the ability to retain a natural stream bed however this would make the development proposal unviable.

6.1.3 Cultural

There are no known cultural sites or issues associated with either the Upper or Lower land.

6.1.4 Recreation

The Lower land is part of the dog exercise area that extends through the back of Karori Park. It is a reasonably well used thoroughfare through to Karori Park and is used as part of a circuit walk – utilising either the links up to Makara Road or through Karori Park. The area is used for dog exercising. Comments from field staff indicate that the use of the area is not high but there is a consistent level of use.

The Upper land does not have a formal track network. It is however used by walkers and for dog exercising on an informal basis – as the land is in private ownership. The stream provides a degree of access up into the area. The proposed layout for the land exchange includes the preservation of public access from Makara Road through to Karori Park and from the road end up the stream bed.

The exchange has the potential to provide a better track network using the accessways from Karori Park to the north. The Upper land is steeper and therefore less able to be used for all forms of recreation but there is sufficient flat land in the vicinity on the adjacent Karori Park.

It is suggested that the dog exercise area should relate to the land that is ultimately to be held in public ownership. This will require an adjustment to the Bylaw in due course.

6.1.5 Heritage

There are no known heritage issues associated with either the Upper or Lower land.

6.1.6 Management Issues

The most significant management issue associated with this land exchange is weed management. Although both the Upper and Lower land have weed issues the Upper land has significant patches of Barberry on it. This is an invasive weed that Council is looking for ways to manage. The Lower land does have adventitious weed species such as *Tradescantia* but the regeneration is more advanced therefore reducing the ability for invasive weeds to establish.

There are a number of macrocarpa and pine trees on the Lower land that hinder regeneration of the native vegetation. The opportunity would be taken to remove these as part of the development (if they were in positions that meant they would not be specifically removed as part of the earthworks).

6.2 Development Issues

If the proposed land exchange goes ahead the earthworks required to be undertaken will be of a much lower volume and this in turn means that the construction period is reduced and the disturbance to existing regenerating vegetation is minimised. The noise, dust and other effects associated with large scale subdivision developments will be reduced. The development shown in Appendix One contains 69,700m³ of cut and 61,700m³ of fill. In comparison the proposal involves 10,000m³ of cut and 8,000m³ of fill.

The proposal produces a smaller extension to the roading system (less long-term maintenance costs) and avoids another intersection on the steep and winding Makara Road. The development of the Lower land makes effective use of the existing infrastructure and is closer to the city centre and bus routes than the alternative.

Both roads, Khouri Ave and Makara Road are considered to be low volume roads. In terms of vehicle movements, adding a further 25 sections to the existing 29 houses does not create the need for any infrastructure alterations or improvements. Some minor changes to road markings may be needed such as yellow lines to prevent cars being parked too close to the intersection.

The intersection of Khouri Ave with Makara Road is perceived as being unsafe and although Council's traffic engineers have no recorded accidents for the intersection they have suggested safety improvements that could be made to the intersection.

The drainage through the existing residential area is an issue as Khouri Ave has experienced localised flooding from runoff not entering a sump – exacerbated by the sump not being regularly cleaned. The sump has now been added to the routine maintenance schedule. The concerns with drainage and flooding are that the current problems will be exacerbated by further development and upgrade of the existing network may be required as part of the proposal.

The development of the Upper land would need pipework (for stormwater and sewerage) through the Lower land reserve to connect to the network under Karori Park.

The development of the Lower land also has the potential to 'showcase' the use of sensitive subdivision design that may prove useful in future discussions with land developers. The developer believes that the bush setting lots will be very saleable.

6.3 Assessment of Options

There are three substantive options to be considered:

- € to proceed with the land exchange and development of the Lower land
- € to reject the proposal
- € to purchase the Upper land.

6.3.1 Proceed with Proposal and Develop Lower Land

The proposal has clear benefits for Council's objectives for the Outer Green Belt – specifically protecting part of the main ridgeline. This is the most significant aspect of the proposal. Carrying out the development at a lower level allows the Upper land to be better integrated into the adjoining public open space and reserve land. Open space recreation is maintained although there is the loss of the area of amenity open space at the end of Khouri Ave. The proposal creates a larger area of reserve land in total – an increase of 2.4935 hectares.

The proposed development will clearly result in some loss of ecological values where the cut and fill earthworks occur. The ecological survey in summary found that “the land exchange and subdivision of the Lower Land would involve a regrettable but less serious loss of natural values than the proposal to subdivide the Upper Land”. The piping of the stream is also unfortunate but has been limited as far as possible. This option has lower environmental impacts in relation to landscape intrusion and earthworking of landscape features.

The development of the Lower land makes better use of the existing urban infrastructure and does not place an unacceptable loading on the traffic network.

6.3.2 Reject Proposal

In this option the Upper land would be available for residential development. This presents a risk that the main ridgeline could be developed for residential purposes as could currently occur. While Council would endeavour to restrict the impact of any subdivision this could become adversarial in nature.

Development of the Upper land would substantially remove the ecological corridor effect of the Upper land – linking Makara Peak and the Outer Green Belt. This option would retain the ecological and stream values of the Lower land but would lose those of the Upper land. The recreation uses would remain as the status quo although there would be some loss of amenity due to the secluded nature of the Lower land being compromised.

Development of the Upper land would require significant extension of the roading network including access from Makara Road. Drainage work would be required through the Lower land.

6.3.3 Purchase of Upper Land

Officers have also looked at the potential of purchasing the Upper land and have discussed this with Upper Hutt Developments Ltd. The land could be purchased but this would be on the basis of buying out the development rights - rather than purchasing an area of open space land. This would be a significant cost – upwards of \$400,000. Purchasing the Upper land for this cost would only be warranted if there were highly significant values that could not be secured through other means. In this case a land exchange option is available.

6.3.4 Summary of Substantive Options

In terms of a balance between the various open space values the proposal is supported. It is acknowledged that there is some loss of open space values that exist on the Lower land but these are more than compensated for by the protection of the ecological and landscape values of the Upper land. The purchase option would be preferred if the land could be purchased at an open space or rural valuation. This is not the case and therefore this option is not favoured.

6.3.5 Design Options

Through the process to date a number of design options were also discussed in relation to the design of the subdivision. These are discussed below.

Moving the Subdivision Further Up the Valley

The whole philosophy of this development proposal is to reduce earthworks and limit the destruction of the regenerating bush on the site. Therefore the construction of access to the new subdivision from Makara Road would defeat the purpose for which the land swap and low impact subdivision have been proposed. The option of moving the development further up the valley increases the required earthworks and reduces the viability of the development.

Various Changes to the Design

Officers have discussed a number of micro design options. The original proposal did not include buffer areas between the new subdivision and the existing residents. By removing 'flat' sections there has had to be an increase in sections further up the slopes. Bush covenants will be used to protect the vegetation on the mid-slope areas.

Through discussions between the developer, community and officers the design has also been amended to reduce the distance of culverting, to increase the area of stream to remain as reserve and to reduce the amount of earthworks.

6.4 Community Consultation and Reaction

Three public meetings have been held in relation to this proposal. The first two were fronted jointly by the Council and the developers. The third was only Council and members of the community. The attendance at the third meeting was restricted to facilitate frank exchanges of views. While there has been support for the proposal a number of local residents are firmly opposed to the proposal. No specific wider consultation has been undertaken so far (such as a letter box drop to those areas of Karori that can view the sites). This is one option as part of the public submission process.

Discussions have also been held with the Department of Conservation in relation to their views of the proposal.

While there has been favourable reactions a number of the local residents do not support the proposal. Significant areas of concern relate to traffic safety, loss of open space and the impacts of drainage/flooding.

In response to the traffic concerns the Council's Traffic Engineers have advised that no accidents show up as having been reported for the intersection of Khouri Ave and Makara Road. There are some problems with the up-hill sight lines when turning into Khouri Ave. This is because of the steep bank to the LHS of the road travelling up-

hill. An initial assessment is that it may be possible to put a turning lane into the intersection if the bank was cut back.

The loss of the grassed area of open space is unavoidable. The thoroughfares will be maintained and possibly improved through more active management. The loss of open space could be compensated for in the re-design of Karori Park. Regardless of this, the locality is well served with a variety of open space types. It is not possible to retain the existing grassed open space area in the design.

Council's drainage engineers believe that an upgrade of parts of the drainage system may also be required as part of the new subdivision. The extent of this will only be known following a more detailed study.

The issue of users of Karori Park parking in the Avenue for sports fixtures has also been raised. This issue may be addressed as part of the Karori Park upgrade.

6.5 Agreement with the Developer/Owners

This proposal will need to be supported by an agreement that articulates the responsibilities of both parties, the timing for various actions and what each party is contributing. The agreement will be developed on the following basis:

- € The area of land on the Lower land that is to become residential development and the area of land on the Upper land to become reserve (identified on Plan SO2-0390-03) will exchange at no cost
- € The Council will undertake the notification and processing of the land exchange under section 15 of the Reserves Act 1977
- € The Council will undertake the processing of the District Plan change
- € The developer/owners will provide the assessment of environmental effects, section 32 analysis and any required background research for the Plan Change
- € The developer/owners will undertake the subdivision application and will meet all costs of meeting any subdivision consent conditions (such as upgrades to public infrastructure if required, development of easements and preparation of covenants)
- € Each party will bear their own legal costs.

The Council's contributions to the project are in recognition that there are public benefits to the proposal. Council will not be undertaking any of the subdivision development works but may look to leverage amenity improvements on the surrounding land (such as pine tree removal).

Standard valuation methodology applied to the proposal and alternative subdivisions of the Upper land (Appendix One) indicate that the Council land is worth slightly more. However a greater intensity of development could occur on the Upper land and therefore the subdividable blocks approximate each other in value.

6.6 Next Steps/Process

There are a number of processes that will need to be undertaken to facilitate the proposal. These are described briefly below. The most important aspects of this are the agreement and the reserve exchange. The intention would be to align the processes so that the public notification and submission process for both the reserve exchange and plan change could occur in tandem.

6.6.1 Develop agreement with Developers/Owners

6.6.2 Approval of Exchange of Reserve for Other Land (under section 15 Reserves Act 1977)

- € Public notification (one month)
- € Submissions
- € Hearings
- € Decision by Council
- € Resolution sent to Department of Conservation
- € Approval by Minister of Conservation.

6.6.3 Plan Change

- € Approval of proposed Plan Change detail/Section 32 by District Plan and Reserves Management Subcommittee
- € Public notification (minimum 20 working days)
- € Summary of Submissions
- € Further submissions (minimum 20 working days)
- € Hearings
- € Decision by Council
- € Appeal period (30 working days).

6.6.4 Subdivision Consent

- € Timing dependent on nature of District Plan Change (for example, controlled or discretionary).

The District Plan Change may be in the nature of a detailed appendix within the residential rule section of the Plan. This method provides greater certainty as to what will happen – for Council, developer and the community.

6.6.5 Road Encroachment/Stopping

There are two areas of road encroachment or preferably road stopping that assist with providing better development sites. These are adjacent to lots 24 and 25. The land here is steep and falling away from the road. The use of this land for private development would allow for better utilisation of the adjacent lots.

6. Conclusion

In conclusion it is recommended that this proposal be supported and that the Committee endorse the various steps that now need to be taken to progress the project. While there is a degree of local opposition to the proposal officers believe that the end result will be a better outcome for the city.

Contact Officer: *Stephen Lamb, Parks Planner*

Supporting information

a) Strategic fit

This project supports objective 5.1a of outcome 5.1, Objective 5.2b of Outcome 5.2 and Objective 5.3c or Outcome 5.3:

5.1a – To protect and enhance the range on native habitats for plants and animals in the city's open space.

5.1 Biodiversity

The city environment hosts and protects a representative range of indigenous and non-indigenous plants and animals in their natural communities and habitats

5.2b – To contribute to the city’s structure and identity by defining and containing urban areas with open spaces.

5.2 Ecosystems

The City’s varied marine and land based ecosystems are valued and, where appropriate, protected and restored.

5.3c – To provide a wide range of opportunities for people to use and enjoy the City’s open spaces.

5.3 Open Space Recreation

Wellington’s open spaces including the coastline and harbour, Town Belt and outer green belt are accessible to all and provide a wide range of recreational opportunities what do not compromise environmental values.

b) Annual Plan reference

The assessment and research for this proposal is funded from A004 Parks planning.

c) Annual Plan and Long Term Financial Strategy implications

There are no implications for the Annual Plan or LTFS.

d) Treaty of Waitangi implications

The land exchange proposal will involve further consultation with mana whenua.

e) Consultation

Refer to section 5.7. Further consultation will occur through the formal notification processes for the reserve revocation and Plan Change.

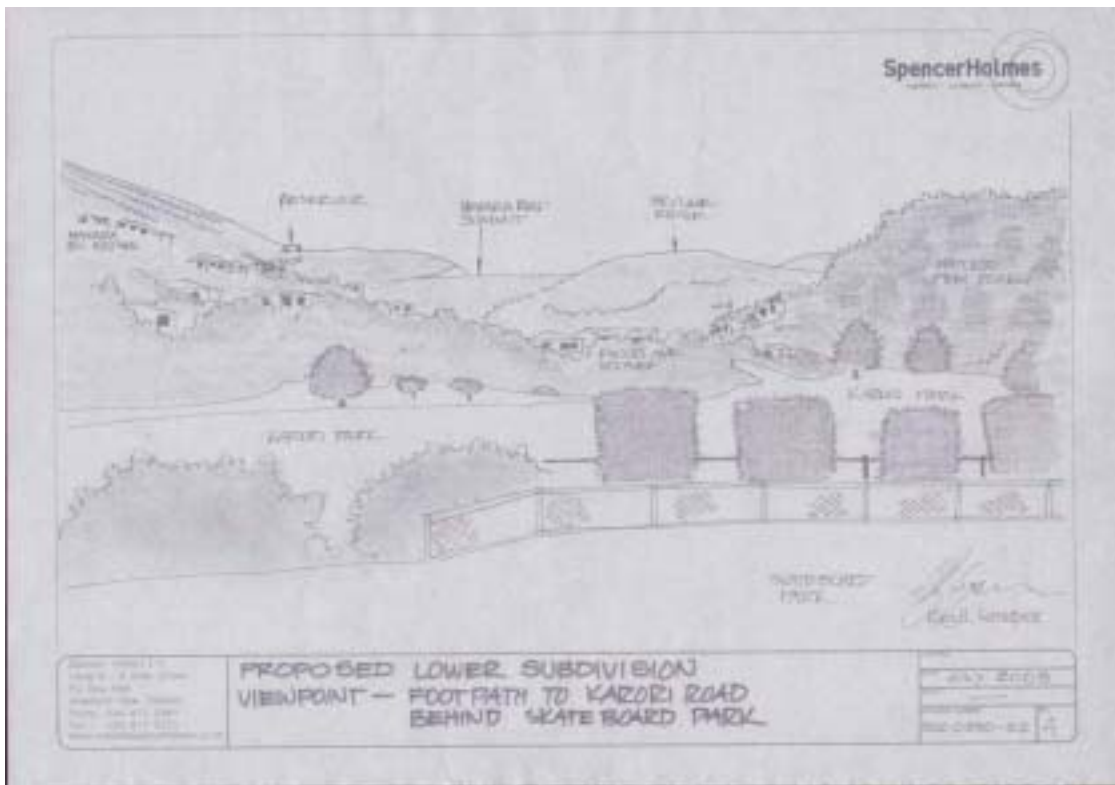
f) Legal implications

No legal advice has been sought for this project.

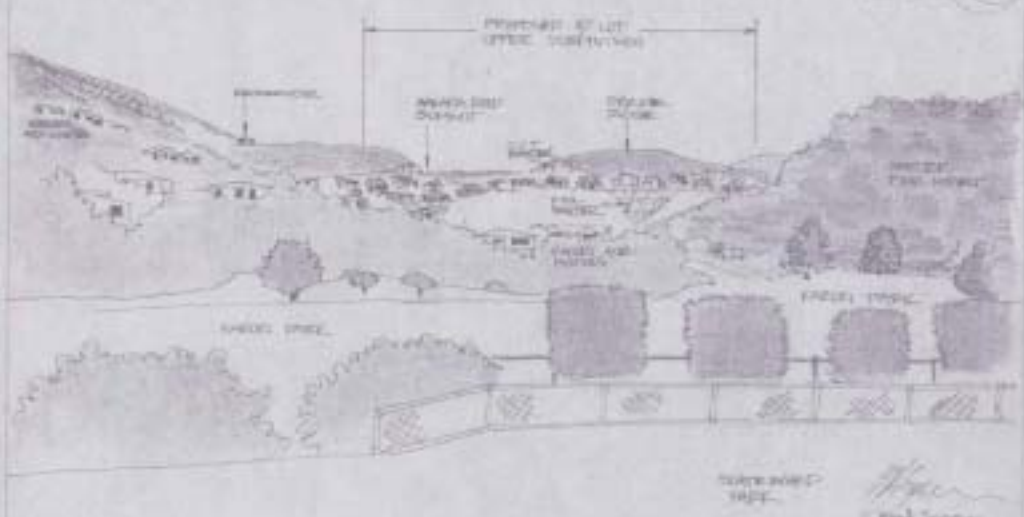
Appendix One: Potential Subdivision of Upper Land (No Land Exchange)



Appendix Two: View of subdivision proposal for the Lower land



Appendix Three: View of subdivision alternative for the Upper land



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**PROPOSED UPPER SUBDIVISION
 VIEWPOINT - FOOTPATH TO KAEORI ROAD BEHIND
 SKATEBOARD PARK.**

DATE:	10/10/10
BY:	SPENCER HOLMES
SCALE:	AS SHOWN
DATE: 10/10/10	10