

# SECTION 32 REPORT - PROPOSED PLAN CHANGE

## 1. Introduction

Section 32 of the Resource Management Act 1991 (the Act) stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under section 32(3) the assessment must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this 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.*

This proposed Plan Change is designed to facilitate an exchange of Council reserve land for a privately owned residential section. The options for rezoning of these two areas of land are:

- € **Option 1: Status Quo** – retain existing zoning which allows development on the upper land.
- € **Option 2: Rezone upper land to Open Space** – this would involve Council purchasing the upper land and rezoning to Open Space. No residential development could occur under this option.
- € **Option 3: Rezoning without constraints** – this would be a straight exchange of Outer Residential and Open Space B land with no constraints on development.
- € **Option 4: Rezoning with constraints** – exchange of the majority of each piece of land in order to achieve the most efficient residential development while protecting as much of the ecology of the area as possible.

A key reason for this land exchange is to protect a section of the main ridgeline (which falls within the Outer Green Belt) from residential development. Further details of the land exchange can be found in the attached Committee Report to the Built and Natural Environment Committee on 24 September 2003.

## 2. Process and Consultation

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 that would follow from and attempt to rezone the land.

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. 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. A subdivision consent has been granted for a 37 lot development on this land. These discussions started from the point of view of a straight exchange 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 (27 lot development with 7 large lot sections and bush covenants) was therefore designed to protect as much of the natural value 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.

Under this proposal a Reserves Exchange under the Reserves Act will also occur.

### ***Key documents***

- € **The Karori Makara Road Site:** Values assessment of the Upper Land, Prepared by Clive Anstey (1998).
- € **Report to Cityscape Committee:** To gain resolution to pursue agreement with landowners for protection of land through acquisition, covenants, land exchange or other agreements. Prepared by Brett McKay (June 1998).
- € **Khouri Avenue Land Swap Proposal:** Briefing Document – circulated during consultation period (February – March, 2003).
- € **Ecological Survey of the Land to the South of Skyline Reserve, Karori, Wellington.** BJ Mitcalfe and JC Horne (September 2003).
- € **Visibility Diagrams:** Views of potential lower and upper subdivisions. Spencer Holmes. (September 2003).
- € **Report to Built and Natural Environment Committee:** To gain resolution to proceed with proposal. Prepared by Stephen Lamb. (24 September 2003).

**Please note that these documents are available for viewing if required. Please contact the officer below for a copy to be mailed to you.**

### ***Key discussions/briefings***

- € **4 February 2003:** Public Meeting to discuss the proposed land exchange between Wellington City Council and Vinrik Contractors Ltd.
- € **18 March 2003:** Public Meeting to update on the proposed land exchange and subdivision development.
- € **15 July 2003:** Public meeting to discuss changes to the land exchange plans.
- € **22 September, 2003:** Discussion with Wellington Tenths Trust about proposed land exchange.

### ***Consultation, in accordance with the First Schedule of the RMA 1991***

- € Ministry for the Environment
- € Greater Wellington Regional Council
- € Wellington Tenths Trust
- € Te Runanga O Toa Rangatira Inc
- € Department of Conservation.

### **3. Appropriateness of Rezoning Proposals**

**The use of zoning was assessed during the development of the District Plan (Summaries of Section 32 Analysis) and considered to be a legal, effective, efficient, equitable, transparent and cost effective tool to achieve the objectives set out within the Plan. Zoning has “historically been employed extensively as the primary means of securing the ‘best’ pattern of land use for the community”. Zoning is therefore considered to be a robust tool which is ideal in achieving the objectives of the District Plan.**

### **Resource Management Act**

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their health and safety. With regard to the proposed Plan Change, the Act requires that Council have particular regard to:

- € The efficient use and development of natural and physical resources
- € The maintenance and enhancement of amenity values
- € Maintenance and enhancement of the quality of the environment.

### **Wellington City District Plan**

Chapter 4 and 16 of the District Plan sets the objectives and policies for the use and development of Wellington's residential and open space areas respectively. With regards to the proposed Plan Change the following objectives and policies are particularly relevant:

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

*Policy 4.2.1.1*                      *Encourage subdivision design and housing development that optimises resource and energy use and accessibility.*

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

*Policy 4.2.2.1*                      *Control the potential adverse effects of residential activities.*  
*Policy 4.2.2.5*                      *Manage any adverse effects of earthworks.*

**Objective 4.2.5**                      ***To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.***

*Policy 4.2.5.1*                      *Protect significant escarpments, coastal cliffs and areas of open space from development and visual obstruction.*

*Policy 4.2.5.2*                      *Encourage the protection of undeveloped skylines and ridges that make an important contribution to the landscape of Wellington.*

*Policy 4.2.5.3*                      *Ensure that any approved earthworks are designed and engineered to reflect natural landforms.*

*Policy 4.2.5.4*                      *Encourage the retention of existing vegetation, especially established trees and existing native vegetation.*

**Objective 16.5.1**                      ***To maintain, protect and enhance the open spaces of Wellington City.***

*Policy 16.5.1.1*                      *Identify a range of open spaces and maintain their character, purpose and function, while enhancing their accessibility and usability.*

*Policy 16.5.1.5*                      *Identify land that contributes towards an Outer Town Belt that will provide an open, undeveloped edge to the City.*

**Objective 16.5.2**                      ***To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.***

- Policy 16.5.2.1 Identify and protect from development and visual obstruction landforms and landscape elements that are significant in the context of the Wellington landscape, and in particular significant escarpments and coastal cliffs.*
- Policy 16.5.2.2. Restrict construction of structures and earthworks on skylines, hilltops and ridges that make an important contribution to the landscape of Wellington.*

**Summary**

In conclusion, zoning is considered to be the most appropriate tools under the District Plan to achieve Council Objectives.

**4. Costs and Benefits**

**Analysis**

The following table assesses the efficiency, effectiveness and appropriateness of the proposed Plan Change.

**Table 1: Options for Land Exchange Proposal**

<b>OPTION 1: Status Quo – Retain existing zonings (allows upper land to be developed)</b>	
<b>Effectiveness and efficiency in achieving District Plan objectives.</b>	Limited.
<b>Costs</b>	Development of the ridgeline Previous plans estimate 69,700m <sup>3</sup> of cut and 61,700m <sup>3</sup> of fill Ecological corridor effect of land lost Loss of privacy and amenity values for existing residential areas (due to overlooking development) Significant extension of roading required Additional infrastructure required Loss of some native vegetation Inappropriate residential development.
<b>Benefits</b>	Existing open space protected.
<b>OPTION 2: Rezone all land to Open Space (involves purchase of upper land)</b>	
<b>Effectiveness and efficiency in achieving District Plan objectives.</b>	Medium
<b>Costs</b>	Purchase of development rights of land, estimated purchase price of at least \$400,000 Appropriate residential development cannot occur within either area.
<b>Benefits</b>	Existing open space protected (no residential development of either site) Ecological corridor protected No construction disruption for community Significant ridgeline protected.
<b>Option 3 – Rezone without Constraint (direct exchange of two areas)</b>	
<b>Effectiveness and efficiency in achieving District Plan objectives.</b>	Medium
<b>Costs</b>	No provision for reserve buffer strips or covenants More intense lot development and building sites Piping of stream

	Loss of privacy and amenity values for adjacent residential areas Loss of native vegetation.
<b>Benefits</b>	Significant ridgeline protected Less earthworks required than Option 1 Ecological corridor effect of upper land protected Less infrastructure required than Option 1 Increase in Open Space land by 2.4935 ha.
<b>OPTION 4: Rezoning to effect exchange with constraints (partial exchange of two areas)</b>	
<b>Effectiveness and efficiency in achieving District Plan objectives.</b>	High.
<b>Costs</b>	Proposal includes 10,000m <sup>3</sup> of cut and 8,000m <sup>3</sup> of fill Loss of privacy and amenity values for adjacent residential areas Some piping of the stream Loss of some native vegetation.
<b>Benefits</b>	Significant ridgeline protected Significantly less earthworks required than upper land development Less piping of stream than Option 3 Controlled house siting Controlled covenant and right of way Ecological corridor effect of upper land protected Efficient use of existing infrastructure Increase in Open Space land (2.4935 ha).

For additional information on these options please refer to the previous Committee Report (Built and Natural Environment Committee on 24 September 2003) attached to this report.

### **Summary**

Option 4 is the best option for both protecting the open space and landscape objectives of the Wellington City District Plan while meeting the residential objectives. While it is recognised that there is a loss of amenity and open space associated with the lower land (currently open space) this is more than off-set by the protection of the ecology and ridgeline of the higher land.

### **5. Recommended Proposed Plan Change**

Completion of the Plan Change is the best option for meeting the open space and landscape objectives of the District Plan.