

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: Bev Abbott		
Full address 40 Pembroke Rd, Northland, Wellington 6012		
Email bevabbott@xtra.co.nz	Phone 475 8468	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.)*

Included in table on separate sheets

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.)

Included in table on separate sheets

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

Included in table on separate sheets

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

I will consider presenting a joint case with others at the hearing if others are making a similar submission

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

Yes, I have attached extra sheets.

PROPOSED DISTRICT PLAN CHANGE 77: CURTIS STREET BUSINESS AREA

MY SUBMISSION RELATES TO:	MY SUBMISSION IS:	I SEEK THE FOLLOWING DECISION FROM WELLINGTON CITY COUNCIL
Overall Proposed District Plan Change 77 (DPC 77)	<p>I oppose the proposal to rezone the area known as 55-85 Curtis St to “Curtis Street Business Area”.</p> <p>The Section 32 Report does not present a convincing case for commercial activity as the most efficient use of the site. Nor has it provided a robust comparison of all the available zoning options, including retention of the status quo. Open Space B is probably the most appropriate zoning for the area given its location and its physical, social and environmental characteristics.</p>	<p>Reject/withdraw DPC 77.</p> <p>Retain the current mixed zoning pending preparation of Section 32 Report that compares all available zoning options.</p>
		<p>In the event that Council decides to proceed with the DPC 77, I ask that Council makes the following adjustments to DPC 77.</p>
Objective 35.2.3	<p>I was impressed by the quality of the information in the ecological component of the Section 32 Report. It clearly identifies the values of the area and suggests some mitigation measures. It is regrettable that so little notice has been taken of this information in preparing DPC 77.</p> <p>In brief, DPC 77 fails to provide sufficient protection for the ecological values of the environs. Part of the problem may be linked to the decision to combine residential character, landscape values and ecological values into one objective.</p>	<p>Create a separate objective as the first step in developing a more robust planning framework for the protection of the ecological values of the Curtis St Business Area site and environs. The objective could be worded as follows:</p> <p><i>To recognise and protect important ecological values from activities in the Curtis Street Business Area.</i></p> <p>Other required components of the framework are policies, specific rules and standards.</p>
Objective 35.2.3	<p>The list of ecological values in the ‘Explanation to objective and policies’ mentions only indigenous flora and bird life. It has ignored other significant values identified in the Section 32 Report, notably the wetland seepage, the glow worm colony, the buffer vegetation and fauna other than birds, e.g., lizards, insects and other invertebrates.</p>	<p>Amend the values statements to include the wetland seepage, the glow worm colony and indigenous fauna. Possible wording is:</p> <p><i>Indigenous fauna including birds, indigenous flora, the wetland seepage and the glow worm colony associated with the western escarpment (beyond the western boundary of the Curtis Street Business Area.</i></p>

<p>Glow work policy and associated standard</p>	<p>The significance of the large glow worm colony living in the wetland seepage on Old Karori Road is described in the Section 32 Report. Glow worms require damp sites where the air is humid and still. The surrounding buffer vegetation helps provide these conditions, and any disruption to its structural integrity could severely affect the functioning of the seepage and glow worm colony by opening them up to sun, dust and wind. Outdoor glow worms start glowing shortly after dark, and any light pollution could impact on the ability of the glow worms to attract small flying insects onto their sticky snares.</p> <p>The Wildlands ecologist recommended three strategies for protecting the glow worms: protecting the buffer vegetation, designing exterior lighting at the Curtis Street Business Area site to avoid light pollution of the wetlands, and limiting street lighting on Old Karori Rd between the child care centre and Whitehead Road.</p>	<p>Add a new policy to focus specific attention on the wetland seepage and glow worm colony on Old Karori Rd. Possible wording is:</p> <p><i>Ensure the wetland seepage and glow worm colony on Old Karori Rd are protected from activities that would expose them to sun, dust, wind and light pollution.</i></p> <p>Add a standard to section 36.6 (g) to specify the low light levels required to protect the glow worm colony on Old Karori Rd. In brief, anything above natural lighting would be a threat to the glow worms.</p>
<p>Policy 35.2.3.3</p>	<p>This policy currently refers only to encouraging the retention of trees and vegetation along the western edge of the area adjacent to Old Karori Rd. There are two problems with this approach; the ill-defined definition of the vegetation/area to which the policy applies, and the weakness of the policy direction. Reference to Figures 3 and 5 in the Wildlands Report will assist in understanding the vegetation patterns, i.e. some is within the site and some is beyond the site boundary.</p> <p>A related issue is that DPC 77 does not provide any guidance about the retention of secondary vegetation within the Curtis Street Business Area site. The current policies could be interpreted as allowing the developer to destroy all the trees and vegetation within the Curtis Street Business Area provided that subsequent replanting used the type, species and patterns of replacement planting were characteristic of the locality.</p> <p>Figure 3 also shows the relationship between the Curtis Street Business Area and the Kaiwharawhara Stream Ecological Corridor. The Curtis Street Business Area</p>	<p>Split this policy into two separate policies and include both under the new ecological objective.</p> <ul style="list-style-type: none"> • <i>Ensure the protection of trees and vegetation associated with the western escarpment beyond the western boundary of the Curtis Street Business Area and near the western boundary of the Curtis Street Business Area.</i> • <i>Encourage the retention of trees and vegetation within the Curtis Street Business Area.</i> <p>Associated changes to rules and standards are described in other sections of this submission,:</p> <ul style="list-style-type: none"> • the need to change the rule which identifies removal of vegetation as a Permitted Activity • the need for more effective standards to support this policy.

	<p>occurs at one of the narrowest parts of the corridor. Some loss of ecological connectivity is probably inevitable if any development occurs on the Curtis Street site. This makes it even more important to ensure the protection of the vegetation beyond and close to the proposed site boundaries.</p> <p>Any developer should face severe financial and other penalties for any removal or damage to the trees and vegetation outside the boundary of the Curtis Street Business Area site.</p>	
Policy 35.2.3.4	<p>This policy fits well with the amended policies suggested for Policy 35.2.3.3. It would be desirable to use similar species and patterns of replacement planting within the Curtis Street Business Area for any vegetation that has been removed, particularly if replanting adjacent to the western boundary is required.</p> <p>On other parts of the Curtis Street Business Area site, a more diversified range of species could be used to create suitable habitat and food sources for birds flying along the Kaiwharawhara Stream Ecological Corridor.</p>	<p>Reword the policy along the following lines:</p> <p><i>Where existing indigenous vegetation within the Curtis Street Business Area site cannot be retained:</i></p> <ul style="list-style-type: none"> • <i>replant with species that are characteristic of the locality, particularly along the northern end of the western site boundary, and/or</i> • <i>introduce plant species that provide enhanced habitat for indigenous birds, and/or</i> • <i>introduce species that provide additional screening protection for the glow worm colony.</i>
Policy 35.2.3.7	<p>This policy needs rewriting to provide additional protection for Kaiwharawhara Stream. The revised policy should be incorporated under the new ecological objective.</p> <ul style="list-style-type: none"> • The current policy sets out only to reduce incidences of sudden, large volume discharges, but says nothing about the management of routine run-off from the site and buildings on the site. • Permeable surfaces are important, but the developers should also be encouraged to apply other mitigation strategies such as on-site/underground tanks to capture and store rainwater and run-off for later use in maintaining plantings and landscaped areas. 	<p>Provide increased levels of protection for Kaiwharawhara Stream by addressing the weaknesses of the current policy.</p>

	<ul style="list-style-type: none"> The policy uses the relatively weak term “encourage” which could result in very few permeable surfaces being installed on the site. This could be rectified by replacing “encourage” with “ensure” and by adding a standard that stipulates the ratio of hard to permeable surfaces for the site (and to parts of the site in the event of any subdivision). 	
35.2.3 and 35.2.4	<p>Shifting policies (5.2.3.1, 35.2.3.2, and 35.2.3.5 and the associated values statements under Objective 35.2.4 would provide a clearer framework for making decisions about the protection of the amenity values, landscapes and residential character of the residential areas from the development and activities of the Curtis Street Business Area.</p> <p>This change would also avoid any issues about the boundaries of the “Creswick Valley” and who qualifies to have their amenity values protected. (Is Paisley Terrace part of Creswick Valley?).</p>	<p>Adjust the wording of Objective 35.2.4 to include residential character and landscape values as well as amenity.</p> <p>Create a clearer policy framework for this objective by including all relevant policies, value statements and explanations from sections 35.2.3 and 35.2.4 under this revised Objective.</p>
35.2.6.3	<p>The explanation to this Objective 35.2 notes the importance of protecting the ongoing operation and maintenance of the high voltage overhead transmission lines. The Section 32 Report (section 7.10) reports that Transpower has advised that non-residential activities can also be sensitive. DPC 77, however does not provide a clear statement about the legality or wisdom of placing buildings on the red zone and the orange zone.</p>	<p>Ensure that the DPC 77 provides clear guidance about the implications of the high voltage transmission lines for the location and operation of commercial and/or retail buildings within the site. Are buildings allowed in both zones?</p> <p>Review the rules and standards in Sections 3.6 and 3.7 to ensure that nothing happens on the site that will impede the ongoing operation and maintenance of the transmission lines, and the health of workers and visitors to the site.</p>
Objective 35.2.9	<p>It was pleasing to find an objective and a policy (35.3.9.1) promoting environmentally sustainable building design and energy efficiency. The Section 32 Report identifies several aspects of environmentally sustainable building design including on-site storm water management, water-sensitive design and use of green roofs.</p>	<p>Rewrite the policy so that it becomes easier to identify the standards that are required to reinforce this policy.</p>

Policy 35.2.9.2	It is curious to see a policy referring to the provision of natural light in occupied spaces, particularly one starting with the word “ensure”. Does Council really have a role under the Building Act to check on the adequacy of natural lighting provision in building plans?	If Council considers it has a role in determining standards of natural light in commercial buildings, then it should incorporate the appropriate standards in section 36.6 (g).
Objective 35.2.1	<p>The objective starts with the wording “to facilitate commercial activity”</p> <p>The definition of “commercial activity” in the Plan Change Document (section 3.10) excludes retail activity.</p> <p>This objective appears to require future decision-makers to decide in favour of “commercial” activities in a residential area in preference to other activity categories, such as service retail and residential.</p> <p>It is hard to believe that Council intends to modify the District Plan to require future councils to make decisions in favour of large manufacturing or industrial facilities in a residential area in preference to a mix of services to the community, e.g. a medical centre, a bank, squash courts, and professionals working from home offices (assuming that all activities meet the necessary standards).</p>	Amend the ‘Explanation to objectives and policies’ to explain the rationale for giving preference to commercial activities over other activities (where both meet the required standards).
Objective 35.2.1	The Section 32 report has not demonstrated how facilitating commercial activity in the proposed Curtis Street Business Area will assist in meeting the social needs of people in Northland, Karori and Wilton, or the wider city. The only explicit reference to social and cultural wellbeing in DPC 77 appears to be in the explanatory notes for the temporary activities such as community events and cultural festivals. These state that these should be allowed because “these activities make an important contribution to the social economic and cultural wellbeing of Wellington’s communities”.	<ul style="list-style-type: none"> • Expand the ‘Explanation to objective and policies’ to explain how facilitating commercial activity in the Curtis Street Business Area will assist in meeting the social needs of people in Northland, Karori and Wilton, and the wider city. • Add one or more policies to section 35.2.1 to enable decision-makers to give a higher weighting to activities that contribute to meeting the social and economic needs of people living near the site or in the wider city than to activities that contribute only to the economic wellbeing of people with a direct financial interest in commercial activities in the Curtis Street Business Area.

35.2.1	<p>DPC 77 is not particular clear about the constraints on residential activity. Residential activities would appear to be non-complying activities in Chapter 36 but the definition in 3.10 could be interpreted as allowing residential activity in other situations. In developing a clearer explanation please consider:</p> <ul style="list-style-type: none"> • whether residential accommodation for 1 or 2 people may be appropriate in premises where the primary purpose is a commercial activity • the benefits to the city of a short-stay site for campervans which would provide visitors with good access to local visitor destinations such as Zealandia and Otari Wilton's Bush. 	Amend DPC 77 to provide a clear interpretation of how applications for any residential activity meeting are to be treated under the proposed Plan Change.
35.2.1.5	<p>This policy refers to controlling the establishment of large integrated retail activities and large supermarkets with a view to managing the effects on the vitality and economic viability of Centre Areas identified in the District Plan.</p> <p>The current policies do nothing to protect the viability of smaller retail centres such as Northland Village. Villages have an increasingly important role to play in ensuring that the city's older residents can spend more years living independently in their own homes.</p> <p>The retail services available within walking distance of my home have reduced markedly over the last two decades. I used to have 2-minute access to a general store, and 10-minute access to a chemist, butcher, hairdresser, fruit shop and newsagent in Northland village. I can still access basic supplies in Northland but am forced to travel further afield by car or bus for most provisions. Any supermarket on the Curtis St site would threaten the remaining mini-market in Northland. It would not, however, provide better access to basic supplies for people without cars. Bus services along Curtis St are limited to university terms. Carrying groceries home from Curtis St by foot, bicycle or mobility scooter would involve steep climbs.</p>	<p>Delete the word "large" from this policy so that it reads:</p> <p><i>Control the establishment of integrated retail activity and supermarkets</i></p>

35.2.2	<p>High quality urban environments are less reliant on cars than low quality urban environments. The Section 32 report shows that the Curtis St site is poorly served by buses, bus stops, safe cycling routes and footpaths.</p> <p>The explanatory notes in section 35.2.5 state that “It is expected that the majority of visitors ...will arrive by private vehicle, but access by alternative transport modes is encouraged”.</p> <p>Alternative modes become more important as the extent and diversity of retail activities expands.</p> <p>The development of a pre-approved concept plan provides an opportunity to investigate the relationship between the proposed activities, the likely patterns of visitation, access by road and access by alternative transport modes.</p>	<p>Ensure the policy framework, rules and standards reinforce Council’s commitment to encouraging alternative transport modes.</p> <p>Amend the descriptors of the concept plan to require the identification of alternative travel modes.</p>
35.2.2.2 and/or 35.2.2.3	<p>Section 35 refers to the Curtis Street Business Area providing a location for temporary activities such as community events and cultural festivals. A reference to these activities in one or both of these policies would signal to potential developers that Council is serious about encouraging such activities at this site.</p>	<p>Amend either or both of these policies to reinforce Council’s intent to ensure that developments on the Curtis Street Business Area site will cater for temporary activities such as community events and cultural festivals on the site without breaching the transport and parking standards.</p>
35.3 Methods	<p>The current list of higher level planning documents is incomplete. Other relevant Council documents include existing documents such as Biodiversity Action Plan 2007, the Outer Town Belt Management Plan, and the Open Spaces Framework which is currently being reviewed.</p> <p>Given that nearly all of the site falls within the red or orange zones of the transmission lines, perhaps the list should also refer to the National Policy Statement on Electricity Transmission.</p>	<p>Make specific reference to the Biodiversity Action Plan 2007, the Outer Town Belt Management Plan, and the Open Spaces Framework.</p> <p>Ensure that DPC 77 gives effect to all relevant statements in these plans, particular statements referring to the ecological corridor along Kaiwharawhara Stream.</p>

<p>36.1, 6(e) and 36.1</p>	<p>Vegetation removal has been identified as a permitted activity. The only relevant standard appears to be 36.6(iii) which requires “vegetative planting and landscaping” following earthworks and/or retaining walls within 10m of the western site boundary”.</p> <p>Figure 5 in the Ecological Report shows that some of the buffer vegetation lies within the proposed Curtis Street Business Area boundary. It is not clear whether the width of the buffer vegetation within the site is more or less than 10m. Associated text in the report notes that some tall trees make a significant contribution to the buffering effect. More importantly it says that “all buffering vegetation will require careful management if the significant values of the neighbouring ecosystems are to be protected”.</p> <p>Council needs to develop a more sophisticated set of standards to protect the ecological values of the buffer vegetation.</p>	<p>Make Vegetation Removal a controlled activity.</p> <p>Develop a standalone activity standard for vegetation removal that will provide additional protection for the buffer vegetation along the western boundary, and any tall trees within or close to the buffer vegetation.</p>
<p>Activities Standard 36.7(e)</p>	<p>An earlier part of this submission recommended strengthening policy 35.2.3.7 (Encourage the use of permeable surfaces to ...reduce incidences of sudden, large volume discharges to the Kaiwharawhara Stream). Additional standards are needed to reinforce the current or modified policy, for example, a standard that stipulates the ratio of hard to permeable surfaces for the site (and parts of the site in the event of any subdivision).</p>	<p>Introduce additional standards to protect Kaiwharawhara Stream, for example, required ratios of hard to permeable surfaces.</p>
<p>Rules in 36.3</p>	<p>I found it difficult to understand the relationship between the various rules and standards for gross floor area. Activity Standard 36.6 (a) for the Concept Plan requires that building footprints on plans must not exceed 500m² but the Restricted Discretionary Activity triggers for the gross floor areas for commercial, integrated retail activities, and supermarkets in 36.3 do not kick in until well beyond 500m². What does this say about future councils’ opportunities to influence the building of commercial and retail facilities that are above 500m² but less than the current triggers?</p>	<p>Ensure DPC 77 provides opportunities for future councils and residents to influence the size of any buildings greater than 500m².</p>

<p>Section 35.1 Introduction</p>	<p>The draft Introduction is helpful but needs more detail about the site's previous use as a land fill and the sale of the land. Information about the sale is currently limited to one sentence that doesn't even record when and why the land was sold without first reviewing its zoning.</p> <p>At a time when Government is placing more pressure on councils to sell off assets to reduce debt, I would encourage Council to release an analysis of the lessons learned from the Curtis St sale/rezoning processes. Perhaps this could be appended to the announcement of the decision on DPC77?</p>	<p>Include in section 35.1 more information about the sale of this land, including the zoning attached to the land at the time of sale and a summary of Council's reasons for deciding to sell this public asset.</p> <p>Release a more comprehensive account of the lessons learned from this series of events.</p>
----------------------------------	---	--