

## WELLINGTON CITY DISTRICT PLAN

### PROPOSED DISTRICT PLAN CHANGE 54 REZONING 178 AND 180 OWHIRO BAY PARADE

#### 1 Introduction

Before a Proposed District Plan change is publicly notified the Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of the proposed change and prepare a report. As prescribed in section 32 of the Act: check

*An evaluation must examine:*

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

*An evaluation must also take into account:*

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

*Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.*

*A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.*

This Proposed Plan Change would change the current zoning of two sections, these being No. 178 and No. 180 Owhiro Bay Parade, located in Owhiro Bay, from Rural to Outer Residential. Wellington City Council owns the two sections, and has resolved to sell the land to provide funds for the Owhiro Bay Entrance upgrade.

This section 32 report focuses on the appropriateness of the proposal to rezone the two properties in the Wellington City District Plan (refer to Location Plan attached as Appendix A). It does not address the issue of the sale of publicly owned land, as this is not a relevant matter for consideration under the Resource Management Act 1991.

## **2. Background**

### ***Owhiro Bay Quarry***

The South Coast is one of Wellington's most popular reserve areas with high ecological, landscape and recreational values. Activities undertaken in the area are wide ranging, including walking, running, mountain biking, fishing, diving, guided tours and off road vehicle use.

Wellington City Council purchased the Owhiro Bay Quarry (located at the entrance to the South Coast recreational area), from Milburn New Zealand in 2000. The reason for the purchase was to stop quarrying on the South Coast, and to restore open space values and improve public access around the coast. Restoration and re-vegetation of the quarry has since been in progress in accordance with the Owhiro Quarry Closure Management Plan 2000.

The final stage of the Quarry Closure Management Plan is the upgrade of the existing car park area to form the gateway to the South Coast. Upgrading the car park is also identified as a special project in the South Coast Management Plan – refer Policy 8.1. A Concept Plan has been prepared for the proposed upgrade and this is attached as Appendix B. Key components of the upgrade include the removal of the majority of the Quarry building; improved traffic circulation and parking; landscaping; and the provision of public toilets, interpretation signage and information, seating and rubbish bins.

A separate Plan Change (referred to as Proposed Plan Change 55) is proposed to rezone the wider ex quarry site from Rural to Open Space B (other than the two sections subject to this Proposed Plan Change). These two district plan changes will be publicly notified concurrently, as they both relate to the former Quarry site.

A resource consent application will be lodged by the Council in the near future for the proposed car park upgrade.

### ***Description of the Two Sections***

No's 178 and 180 Owhiro Bay Parade are vacant sections located at the entrance (eastern end) of the ex Quarry as shown on Appendix C. The sections form the edge between the existing residential development and public open space. They are currently zoned Rural in conjunction with the remainder of the ex Quarry site to the west, with the hills to the north zoned Open Space B. To the east, the two sections adjoin a single row of residentially zoned properties located on the northern side of Owhiro Bay Parade. These properties are typically long and narrow, with dwellings located near the Owhiro Bay Parade frontage, and with steep hillside to the rear.

The sections are held in separate certificates of title, being residential/rural-residential in size. No. 178 Owhiro Bay Parade (the eastern lot) is an irregular shaped lot with a frontage of approximately 12 metres, a depth of 47.5 metres, and an overall site area of 580m<sup>2</sup>. No.180 Owhiro Bay Parade (the western lot) is significantly larger with frontage of 30 metres, a depth of 47.5 metre and an overall area of 1,192m<sup>2</sup>. The front of both sections is level to approximately 15 metres (i.e. about a third of the

sites), with a re-vegetating coastal escarpment to the rear. The existing ex quarry building encroaches onto the south west corner of 180 Owhiro Bay Parade.

The residential property immediately to the east of the sections (No.176) is currently vacant; however, the Council granted resource consent (SR 148575) on 28 August 2006, for the construction of a new residential building with associated earthworks on this site.

It is noted that the two sections were previously zoned Residential in the former Wellington City Plan (1984), with the change to Rural zone occurring under the proposed District Plan (publicly notified in 1994). The reason why the zoning of the sections altered at that time was unable to be established with certainty from a search of the Council files. However, it is considered likely that change was made to reflect the use at that time of the two sections in conjunction with the wider former Quarry site. From a search of the Council records there appears to have been several commercial buildings on the two sites at various times, with alterations and additions to a lunch room in 1960 (on No. 178 Owhiro Bay Parade), a permit for an office hut in 1964 (on No. 178), and permit in 1978 for a workshop, office and store (on No. 180).

### **3. Process and Consultation**

The proposal to re-develop the former Milburn Quarry as the main entrance to the South Coast has been outlined above. Consultation on the proposed upgrade was held over eight weeks in 2004. The results from the consultation process were used to assist with the preparation of a design brief for the car park/visitor entrance upgrade and the resulting concept plan.

A Council officer's report to the Strategy and Policy Committee, dated 22 September 2005, recommended that the two sections be declared surplus with an investigation into appropriate development restrictions being replaced on the titles. The recommendation was made on the basis that the loss of open space values with the sale and development of the two sections would be no more than minor. The Council decided on 23 November 2005 to reconsider the decision to sell the land after public consultation had been carried out.

The resulting public consultation was held over a four week period (ending on 2 June 2006). It covered both the concept plan for the upgrade of the Owhiro Bay entrance, in addition to the possible sale of the two sections located within the wider Quarry site. A brochure describing the plans was widely distributed, with an opportunity to provide submissions. The brochure was sent to key stakeholders; copies were made available at the Council service centres, libraries and on the Council website; advertisements were placed in newspapers; and a sign erected in the Owhiro Quarry car park. A public information evening was also held on 23 May 2006. A total of 500 submissions were received on the proposal. 476 of the submissions supported the retention of the sections on the principle that the Council should not sell public land.

The Committee voted to rezone the land to Outer Residential and to sell the sections (resolution on 19 June 2006). The scope of the Councils resolution also included the adoption of additional measures designed to mitigate potential adverse effects of

residential development. These measures include a covenant on the titles to protect the bush to the rear, a height restriction consistent with the provisions for the Outer Residential zone, and a boundary adjustment so that the sections would be a more even size (i.e. to reduce the size and development potential of No 180).

The key potential environmental effects of the development of the two sections for residential use are the potential landscape effects on the residential and coastal character of the area. The development of the Proposed Plan Change has included commissioning an independent landscape architect to undertake further work on the landscape effects, to supplement the earlier in-house open space assessment (outlined in the 22 September 2005 Strategy and Policy Committee report).

The landscape and visual assessment prepared by Boffa Miskell (dated January 2007), confirms that the two sites do not have significant landscape or ecological values, but they form part of the wider coastal landscape. The report emphasises the importance of ensuring that the development of the sites is of an appropriate form and scale in terms of the coastal landscape (and consistent with the intent and objectives of the South Coast Management Plan (which currently overlays the two sections). Of particular concern is that the relatively large size of the two sections proposed could enable the development of dwellings of that are significantly larger than the existing residences along Owhiro Bay Parade (notwithstanding the covenant to the rear protecting the escarpment from development).

The report discusses examples present in the locality where recent residential development on sites with smaller buildable areas have not respected the existing coastal character. In addition, the importance of the sites as the edge of the new south coast gateway car parking/visitor facilities is highlighted, with the potential for the development of these sites to have a bearing on how visitors perceive the upgraded facilities as the start of their south coast recreation experience.

For these reasons, the report recommends that in conjunction with the proposed change of zoning from Rural to Outer Residential Area, that further mitigation measures be adopted to supplement the controls proposed in the 19 June 2006 Council resolution. The recommended mitigation/control measures include:

- Configure the two future dwellings on the two sections so that they match the size and shape of other residential allotments along Owhiro Bay Parade
- Impose a height restriction consistent with the District Plan for the Outer Residential Area (i.e. 8m) by way of a covenant on the titles. This is consistent with the 19 June 2006 Council resolution.
- Protect the escarpment from disturbance and excavation (including the removal of vegetation unless it is removal of pest plants and replanting with local native species) for building purposes through a covenant on the titles. This is consistent with the 19 June 2006 Council resolution.
- Implement design controls on the form and design of new dwellings and the proposed materials to ensure that they are consistent with the South Coast Management Plan and reflect the prominent residential character of the

Owhiro Bay Parade. This could be achieved by requiring an assessment of the proposed buildings against a design guideline prepared by the Council, with the guideline forming part of the sale and purchase agreements and subsequently tied to the certificates of title.

The design guideline would not be prescriptive, as a set of rules does not ensure a sensitive or innovative design response. The design guide would set out the intent and the guiding principles for the positioning and the form and design of buildings (including materials), to ensure that they reflect the coastal character and present an appropriate edge to the adjoining recreational area.

### ***Key Documents***

- **South Coast Management Plan, To protect and enhance the coastal character of Wellington's South Coast**, prepared by Wellington City Council October 2002.
- **Owhiro Bay Quarry Closure Management Plan 2000**, prepared by Brian Bouzaid Wellington City Council, draft prepared 14 February 2000.
- **Officers Report to the Strategy and Policy Committee 'Upgrade of the Owhiro Bay Quarry Carpark'**, prepared by Joanna Gillanders – Open Space Planning Team Leader, dated 22 September 2005
- **Officers Report to the Strategy and Policy Committee 'Owhiro Bay Entrance- Reporting on Consultation Process of Possible Disposal of 178 and 180 Owhiro Bay Parade'**, prepared by Derek Fry – Director of Recreation and Events and Joanna Gillanders; Open Space & Recreation Planning Manager, dated 15 June 2006.
- **Wellington South Coast Owhiro Quarry Entrance Plan**, prepared by C Gordon, Wellington City Council Owhiro Working Group, dated August 2006.
- **Landscape and Visual Assessment, Plan Change request to rezone 178 and 180 Owhiro Bay Road from Rural to Outer Residential**, prepared by Boffa Miskell, January 2007

### ***Key Discussions/Briefings***

- **23 May 2006:** Public information evening on the concept for the upgrade of the Owhiro Bay entrance and the possible sale of the two sections.
- **September 2006:** Discussion with the Wellington Tenths Trust in relation to both the proposed re-zoning of the two sections, and the wider rezoning of the Quarry site and the car park upgrade.

- **December 2006:** Discussion with Te Runanga o Toa Rangitira in relation to both the proposed re-zoning of the two sections and the wider rezoning of the Quarry site and the car park upgrade.

Both the Wellington Tenth Trust and Te Runanga o Toa Rangitira have indicated that they generally support the zone changes; however, concerns have been expressed regarding the wider upgrade of the car park and the reserve status of the land. These concerns mainly relate to appropriate use of signage and recognition of Iwi association with the area. These issues will be dealt with as part of the resource consent process for the upgrade of the car park. Parks officers are currently working with Iwi to resolve these issues.

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

- Ministry for the Environment
- Greater Wellington Regional Council
- Wellington Tenth Trust
- Te Runanga O Toa Rangitira Inc
- Department of Conservation

## **4. Appropriateness of the Objectives and Proposed Rezoning**

### **Resource Management Act**

The purpose of the RMA 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 this proposed Plan Change, the Act requires in relation to managing the use, development, and protection of natural and physical resources. Council shall recognise and provide for the following matters of national importance (section 6 RMA):

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area)....., and the protection of them from inappropriate subdivision, use and development;*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

In addition, Council shall have particular regard to the following other matters (section 7 RMA):

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*

### **Wellington City District Plan**

Chapter 4 of the District Plan sets out the objectives and policies for the use and development of Wellington’s residential areas, and they reflect the matters that are required to be addressed under the RMA. In relation to this Plan Change the following Objectives and Policies are considered relevant:

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

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

**Objective 4.2.6**            *To maintain and enhance the quality of the coastal environment within and adjoining Residential Areas.*

**Policy 4.2.6.2**            *Enhance the natural values of the urban coastal environment by requiring developers to consider the ecological values that are present, or that could be enhanced on the site.*

**Policy 4.2.6.3**            *Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment.*

### **Summary**

It is not proposed to change any objectives or policies in the District Plan. The current objectives and policies remain relevant and are considered the most appropriate means of achieving the purposes of the Act in relation to the management of effects of development within Residential Areas.

## 5. Appropriateness of the Rules and Other Methods.

### ***Appropriateness of Zoning as a Method***

Zoning as a method of achieving the objectives and policies of the District Plan has been thoroughly considered through the plan preparation, submission and hearing process when the District Plan was originally notified. It is therefore not considered appropriate to revisit this general method, adopted widely in the District Plan as a key tool, in terms of this section 32 report.

It is noted that ‘zoning’ was also the primary tool used in the former Wellington City District Plan to secure the ‘best’ pattern of landuse for the community.

### ***Zoning Options and other Methods Considered***

Having established that zoning is an appropriate method, the various options for zoning of the sections (and the associated rules that would apply as a result) that have been explored throughout the preparation of this Plan Change are discussed below. These zoning options have also been considered in some instances in conjunction with other non-regulatory controls.

As previously noted, the Councils decision to sell publicly owned land, is not a relevant matter for consideration in terms of the Resource Management Act 1991, or this assessment undertaken in accordance with section 32 of that Act. Accordingly, the specific zoning options considered below are based on the premise that the sections will be sold as resolved by the Council.

OPTION	EVALUATION
<p><b>Option 1:</b></p> <p>Status Quo – sell the sections with the existing Rural zoning</p> <p><b>This option is NOT RECOMMENDED</b></p>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Avoids the costs associated with the Plan Change process.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>• This is not an appropriate zoning for small sections - the sections are too small and physically constrained to be practically utilised for rural purposes in accordance with the zoning.</li> <li>• Any proposed development for residential use would require a resource consent with the associated costs and potential time delays associated with that process and no certainty of outcome.</li> <li>• Does not protect the coastal escarpment from earthworks or vegetation removal.</li> </ul>
<p><b>Option 2:</b></p> <p>Zone the two sections Outer Residential and rely on the controls in the district plan</p> <p><b>This option is NOT RECOMMENDED</b></p>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Enables the development of two additional dwellings potentially as of right</li> <li>• Certainty to future purchasers i.e. dwellings could be constructed as a permitted activity</li> <li>• The level of control on building development is consistent with adjoining residential sites &amp; clearly set out in the District Plan.</li> <li>• New dwellings will overlook the upgraded car</li> </ul>



	<p>park/visitor facilities with advantages in terms of security and supervision of the facility.</p> <ul style="list-style-type: none"> <li>• Extension of the Residential zone adjoining existing residential sites, and onto previously zoned and considered appropriate for residential use.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>• Potentially could result in adverse landscape effects &amp; loss of recreational values</li> <li>• Does not protect the coastal escarpment from earthworks or vegetation removal.</li> <li>• Potential effects from the development of the sites for residential use on the adjoining neighbours may not be totally avoided through reliance on the district plan rules, i.e. possible shading, privacy, loss of views.</li> </ul>
<p><b>Option 3:</b></p> <p>Split zone - zone the lower half of the two sections Outer Residential and the escarpment Open Space B.</p> <p><b>This option is NOT RECOMMENDED</b></p>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Provides for the protection of the coastal escarpment through the Open Space B zoning.</li> <li>• Minimises the risk of an inappropriate scale of development and impacts on neighbouring properties being undertaken as of right due to significantly reduced section sizes (particularly for No 178 which immediately adjoins a residential neighbour) - compared with Options 2 and 3.</li> <li>• Extension of the Residential Zone adjoining an existing zone, and on land previously zoned and considered appropriate for residential use.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>• Generally not good planning practice to split zones across property boundaries as the demarcation line is not easily identifiable compared with certificate of title boundaries.</li> <li>• Generally not good planning practice to apply Open Space zonings (designed to provide for public open space and facilities) over private land.</li> </ul>
<p><b>Option 4:</b></p> <p>Zone the two sections Outer Residential, in conjunction with the following additional non-regulatory controls</p> <ul style="list-style-type: none"> <li>• Locate the proposed new dwelling at No 180 Owhiro Bay Parade on the eastern half of the section, adjacent to No 178</li> <li>• Protect the escarpment (and</li> </ul>	<p>Benefits</p> <ul style="list-style-type: none"> <li>• Minimises risk of inappropriate development and impacts on the overall streetscape and landscape</li> <li>• Provides for protection of the coastal escarpment</li> <li>• Enables the development of additional dwellings potentially as of right</li> <li>• Certainty to future purchasers i.e. dwellings could be constructed as a permitted activity</li> <li>• New dwellings will overlook the upgraded car park/visitor facilities, with advantages in terms of security and supervision of the facility.</li> <li>• Provides a buffer between the new dwellings and the car park /visitor facilities.</li> </ul>

<p>associated vegetation) through a covenant on the bush to the rear of the two sections and on the area between the dwelling at No 180 and the car park/visitor facilities to the west (refer Appendix D)</p> <ul style="list-style-type: none"> <li>• Place height restriction on any future development consistent with the Outer Residential rules</li> <li>• Impose design controls on the new dwellings to ensure they in keeping with the size and shape of other residential allotments along Owhiro Bay Parade</li> </ul> <p><b>This is the RECOMMENDED Option</b></p>	<ul style="list-style-type: none"> <li>• Extension of the Residential Zone adjoining existing residential sites, and onto previously zoned and considered appropriate for residential use.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>• Potentially could result in adverse landscape effects and loss of recreational values, however the risk has been significantly mitigated through the proposed controls</li> </ul>
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## 6.0 The Risk of Acting or Not Acting

The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed District Plan approach. In this case, it is considered that there is sufficient information available to analyse the issues and to evaluate the benefits and costs of the policies, rules and methods considered. As a consequence it is also considered that there is a very low risk of any untoward outcomes resulting from the implementation and application of the provisions proposed to address the identified issues.

## 7.0 Conclusion

Each of the options outlined above have advantages and disadvantages. On balance it is considered that a Residential zoning for the sites, in conjunction with the other methods set out in either Option 4, will be the most efficient and effective means of meeting the requirements under Part 2 of the RMA, and the objectives and policies of the District Plan. In particular Options 4 will enable an appropriate development potential of the land (efficient use and development of natural and physical resources), while retaining the natural values of the coastal landscape, avoiding adverse impacts on the future recreational values of the proposed car park/visitor area upgrade, protecting the coastal escarpment from development, and minimising the likelihood of adverse effects for adjoining residential neighbours.

## 8.0 Recommended Proposed Plan Change

It is recommended that the Council notify the following District Plan Change 54:

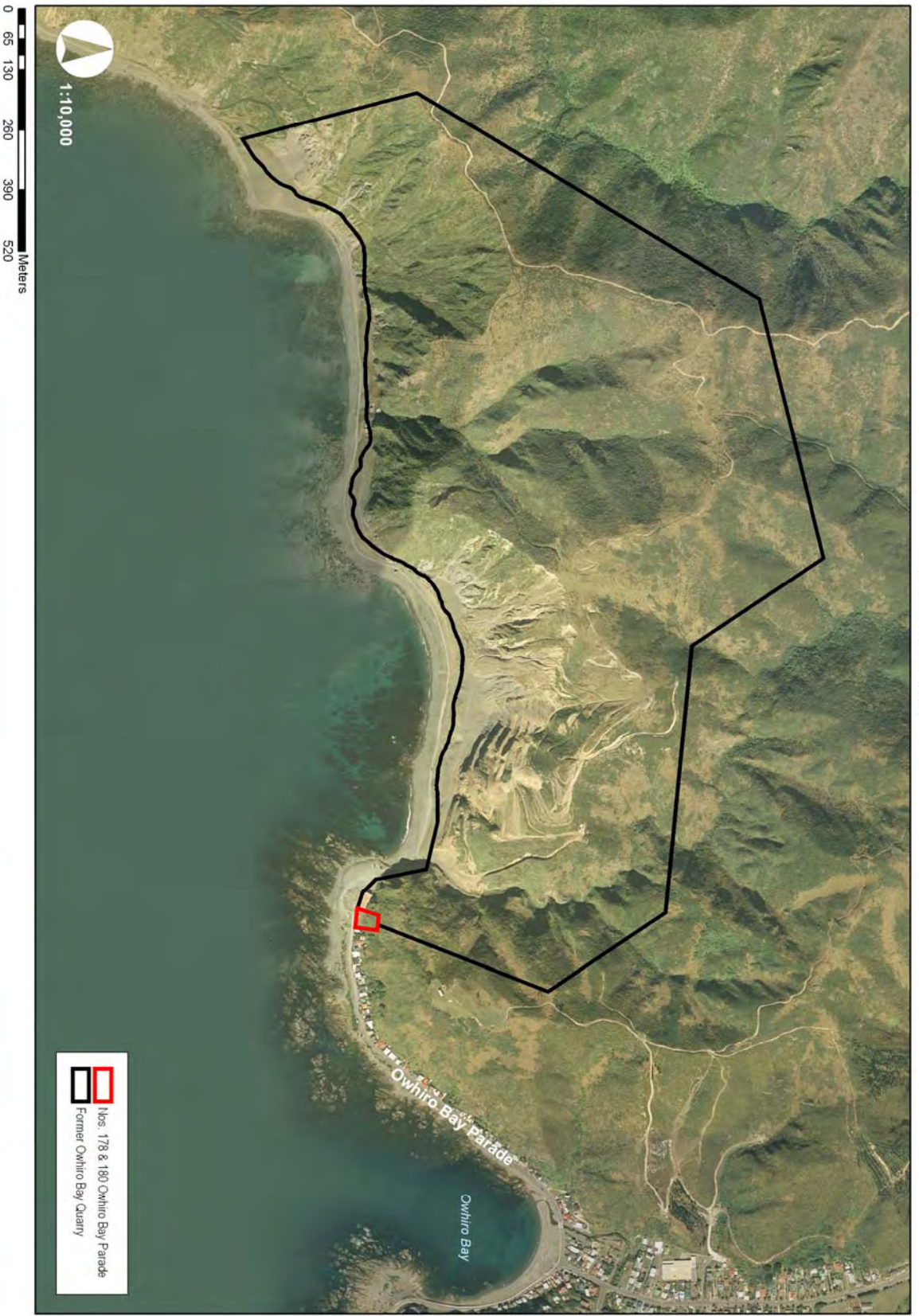
- Change the zoning of 178 and 180 Owhiro Bay Parade from Rural to Outer Residential.

In addition, it is recommended that the Council adopts the additional controls as outlined for Option 4.

# **APPENDIX A**

## **Location Plan**

# Location Plan



## **APPENDIX B**

### **Wellington South Coast Owhiro Bay Entrance Plan**





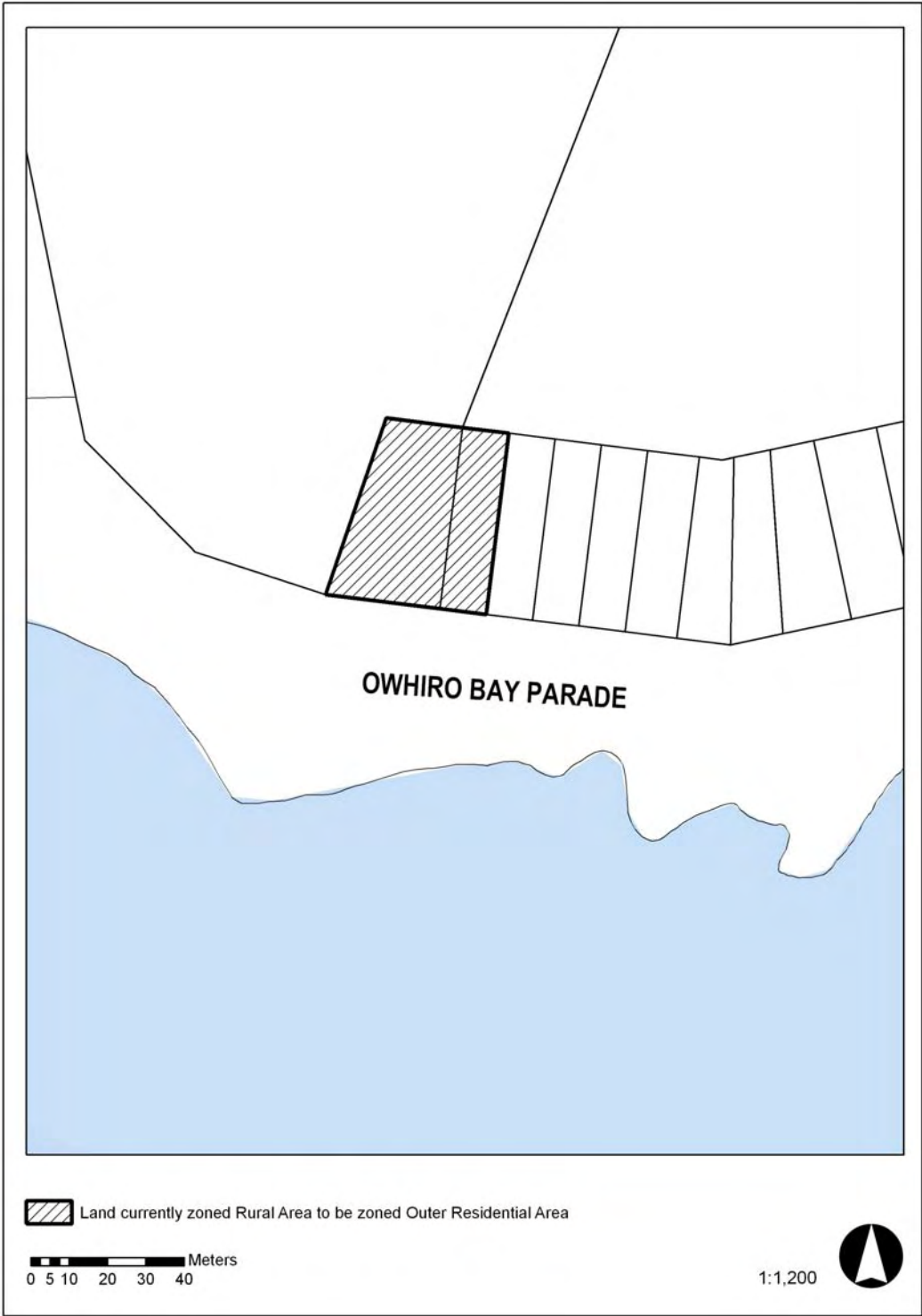







## **APPENDIX C**

### **Proposed Plan Change 54 - Rezoning of 178 and 180 Owhiro Bay Parade**



 Land currently zoned Rural Area to be zoned Outer Residential Area

0 5 10 20 30 40 Meters

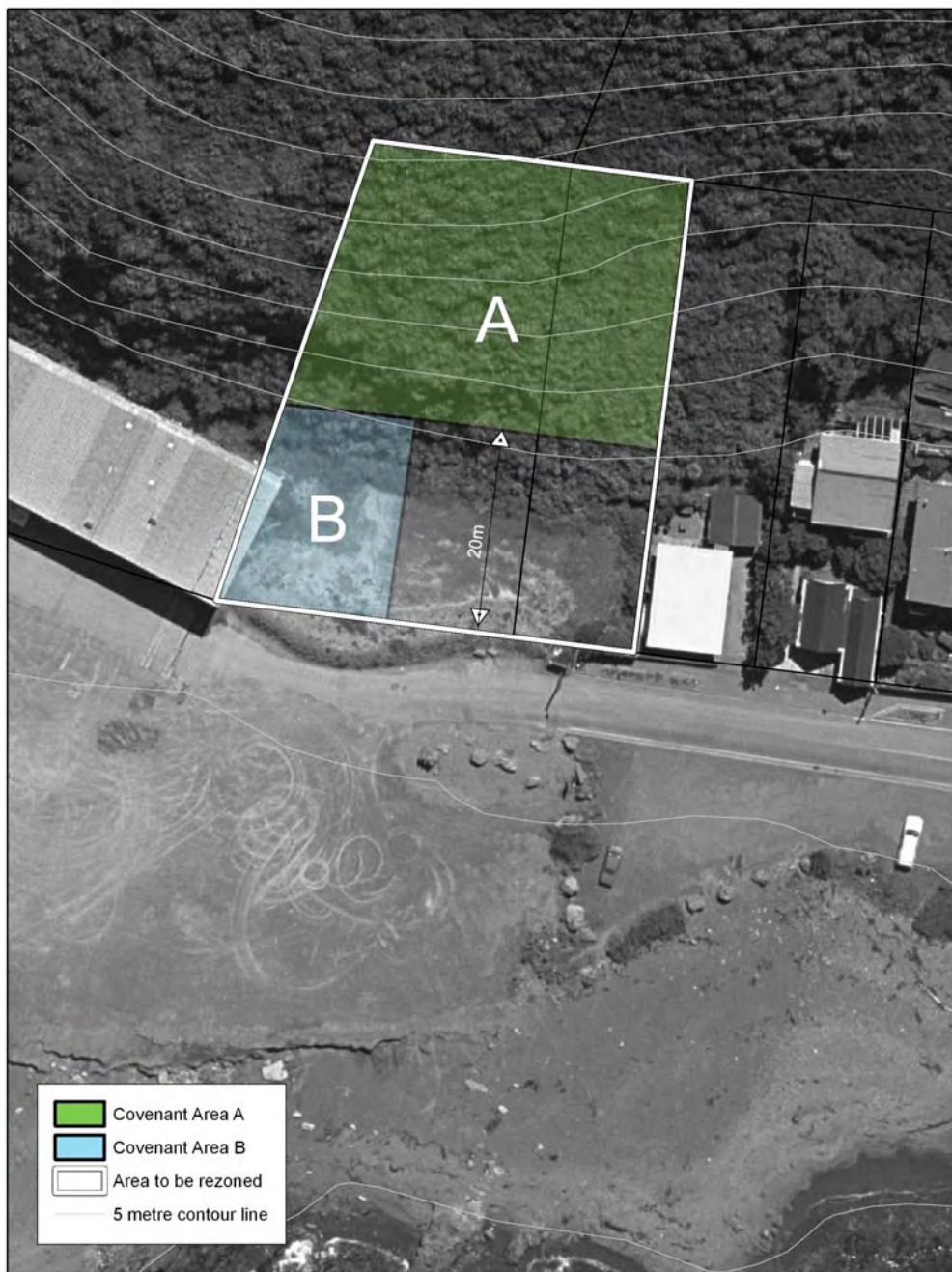
1:1,200




## **APPENDIX D**

### **Proposed covenant areas**

Proposed Covenant Areas



-  Covenant Area A
-  Covenant Area B
-  Area to be rezoned
-  5 metre contour line

0 3.75 7.5 15 22.5 30 Meters

1:500 

*\*Note - Map is for information purposes only - the extent of the covenant area will be finalised following the plan change, as part of the sale process of the section*