

# ***Proposed District Plan Change 73***

## **Suburban Centre Review – Centres**

(Notified 29 September 2009)

(Annotated Chapters showing amendments approved by Council)

### **Wellington City District Plan**

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# **1. OVERVIEW OF THE COMMITTEE DECISION ON PLAN CHANGE 73**

## **1.1 Introduction**

This overview is not an exhaustive exposition of all the issues addressed by the Notified Plan Change 73 (DPC 73) or the submissions lodged to it. It sets out the Committee's response to those matters considered to be of most interest and to set out the strategic context within which the Plan Change was developed and considered.

The key changes proposed by DPC 73 are:

- Current Suburban Centres Zone split into Centres and Business Areas 1&2
- A revised framework to manage the location and impact of retail activities
- New provisions to retain and supply of industrial land
- A revised framework to manage impacts on the transport network
- Additional guidance for urban design
- Revised triggers for consent
- Rezoning some parcels of land

A total of 132 submissions and 18 further submissions were received on the Plan Change. The Committee undertook an extensive programme of site visits to improve their understanding of issues raised in submissions and discussed in the hearing. All matters raised in submissions were considered and that is set out in the Decision Report.

Before outlining the key aspects of the decision the Plan Change should be set in the context of wider planning processes and the pressures and changes that have arisen in Suburban Centres and the City as a whole in the years since the District plan became operative.

## **1.2 Background**

The operative District Plan is a dynamic document which has been subject to review throughout its life. Even before the plan became operative in 2000 a number of variations were proposed and since then a programme of rolling reviews has addressed a variety of issues.

In general the Operative Plan has worked well. The relationship of Wellington's suburbs and suburban centres with the central area has contributed to a vibrant and effective Central Business Area. The Central Area is the fastest growing residential area of the city but this has not been at the expense of the commercial and retail sectors which have generally continued to perform strongly.

In the decade before the District Plan became operative Wellington faced considerable challenges. The public sector was reorganised and downsized. A major recession had taken its toll and there was substantial restructuring of the NZ economy. Many corporate head offices moved out of the city to Auckland, Australia and Asia. The city ceased to be the national centre for banking and insurance and large producer organisations such as the Dairy Board/Fonterra. The motor manufacturing industry closed its plants in the Wellington region. Wellington was a city in decline.

The Absolutely Positively Wellington Campaign, major projects such as the Regional Stadium and the emergence of a Film Industry contributed to a more optimistic mood for the region but an optimistic outlook was no assurance of success.

The population has increased more rapidly than demographers had predicted. The city's approach to planning has been recognised as having considerable effect on the way Wellington looks, works, connects and thinks about itself. So why change a planning regime that appears to have served the city well?

Against this context the current suburban centres regime has had positive but uneven outcomes. However there have been some negative impacts as well.

At the time the Operative Plan was being drafted (early 1990s) there was (at least) a perception of there being surplus "industrial" land just as there was a surplus of older and lower grade office accommodation in the CBD. A permissive plan enabled wide ranging uses of these resources and no doubt that contributed to Wellington's recovery.

However, things have changed and higher value land uses such as residential and retail development have reduced the supply of "industrial" land and this in turn potentially jeopardises the future of a broad based city economy with the associated range of employment opportunities.

The issue is not whether the light handed regime that characterised the Operative District Plan was right for its time but rather that population growth and increased property values have collectively created effects that need to be managed. Local outcomes have been varied and demonstrate that, in respect of Suburban Centres at least, "one size does not fit all".

There have also been some very poor urban design outcomes. Predatory development has weakened some centres such as Berhampore almost to the point of collapse. Challenges in other suburban centres such as Karori include inadequate land within the centre boundaries for expansion of key retail facilities.

Plan Change 73 also reflects the broader view that is now being taken of the role of suburban centres as many of the challenges relate to the interplay between them and the effect that activity in one centre can have upon another. It is not about favouring businesses located in one part of the city over another but ensuring that an effective urban form is maintained.

This should take account of transport networks, the opportunity to leverage development off existing infrastructure as well as maintaining the vitality, viability and amenity of the centres around the city. When residents are asked about amenities that are missing from their communities they will often identify commercial rather than community owned facilities.

The health of the cities various centres is of enormous importance to the health of the suburbs that surround them. DPC 73 follows a number of reviews of aspects of the District Plan which have addressed the Central Area, Heritage and Infill for example.

In many respects Wellington's City's problems are the region's problems. Politicians and planners are increasingly making decisions that recognise that the future economic success of Wellington City depends on the success of the region as a whole

### **1.3 District Plan Change 73**

Plan Change 73 is a Council initiated plan change and is a comprehensive review of provisions that apply to land within the Suburban Centres (with the exception of the Urban Development Area covering Lincolnshire Farm) and all aspects of the chapter were open to submission

The Committee notes that the Draft Plan Change was subject to extensive consultation and the Notified Plan Change incorporated changes to the draft as a result.

Notwithstanding the changes made to the draft, some submitters opposed the overall approach of Plan Change 73 in that it proposed restrictions on the use of land and would have negative impacts on the value of investments in existing Suburban Centres.

In considering the plan change and the submissions to it, the Committee has posed the following questions:

- Is the concept of splitting the Suburban Centres into Centres and Business Areas appropriate and likely to promote sustainable management?
- Are the boundaries in the right place?
- Do the proposed policies and rules strike the right balance between promoting growth and maintaining and enhancing amenity and character?
- Is the mix of permitted activities appropriate to the roles of Centres and Business Areas

This overview and summary outlines our key recommendations. Details on these and other matters addressed in DPC 73 and the submissions will be found in the body of the decision.

#### **1.4 Splitting Centres and Business Areas**

PC 73 proposes a range of uses for the Centres and Business Areas

- Business 1 Areas – These are mixed use areas where most activities are permitted but consent is required for large shopping centres or supermarkets. The aim is ensure that they do not undermine existing Centres
- Business 2 Areas – These are predominantly industrial areas where noise sensitive activities (residential) and some retail activities require consent
- Centres – These are classified as Sub Regional, Town, District or Neighbourhood. The aim is to maintain and strengthen the role of Centres and to encourage residential and commercial intensification. All activities are permitted but consent is required for very large shopping centres.

The permitted retail activity within the centres is consistent across all the categories ranging from Sub Regional Centres such as Johnsonville to Neighbourhood centres such as the Aro Valley Centre. However some triggers are applied to manage impacts on traffic and parking for example and to maintain and strengthen the network of centres and urban form.

The Business Areas reduce the range of activity permitted by the current Suburban Centre and some submitters expressed concern at the loss of freedom owners to use their property as they wish and for the potential for negative impacts to arise on the value of their investment. The Committee notes that the Resource Consent process is available which enables assessment on their merits of individual proposals for activities that are not permitted.

Land is a key resource and the Plan Change 73 proposal for Business 2 Areas is intended to ensure that future generations will have access to sufficient land for industrial and light industrial use. That will provide for a balance in the range of economic activity and employment with Wellington City.

The Committee endorsed the overall approach as but has made some amendments and rezoning decisions to those notified in DPC 73. These may go some way to meeting concerns expressed in submissions. However the amendments are refinements that do not undermine the intent of Plan Change 73 as notified.

## **1.5 Regional Urban Form**

This is reflected in some of the studies and plans that are significant foundations for the proposals in PC 73. These include the Growth Spine, Wellington Regional Strategy, the Western Corridor Study, and the Airport to Ngauranga Study.

The Proposed Regional Policy Statement of the GWRC makes use of the same studies and the roles of the Wellington Central Area, Regionally Significant Centres (such as the CBDs of Porirua, Hutt City, Kapiti and Upper Hutt for example and Suburban Centres. The Sub regional centres and Suburban centres are given the same weight in the Proposed RPS

The Proposed Regional Policy Statement was adopted by GWRC during the hearing of Plan Change 73 and the proposed RPS demonstrates a similar approach to that of Plan Change 73. The Committee was obliged to take account of the Proposed RPS and its adoption by the GWRC gives it increased weight. (We also note that once the RPS becomes operative the Council will be required to give effect to it through its District Plan).

Plan Change 73 identified Kilbirnie and Johnsonville as Sub Regional Centres. This is consistent with the Proposed RPS as adopted by GWRC which also identified them as Regionally Significant Suburban Centres.

Some submissions called for a hierarchy of centres in the region that would oblige Wellington City to specifically consider the impact of retail distribution, on Regional CBDs, without regard to Local Authority Boundaries. It was also submitted that Kilbirnie was not regionally significant in that it had no sub regional catchment, its proximity to the Wellington CBD.

The Committee considered these matters carefully and concluded that neither submission was consistent with the proposed RPS. The RPS does not set out to control retail activity and states that “*discretion lies with each city and district council to consider the range and extent of activities (and whether this includes retail activities) to support the viability and vibrancy of the regional form*”.

The proposed RPS specifically identifies Kilbirnie as having regional significance. It does not ascribe greater significance to Regional CBDs than to the Regionally Significant Suburban Centres of Kilbirnie, Johnsonville and Petone.

The Committee agreed that Plan Change 73 properly identifies Johnsonville and Kilbirnie as Regionally Significant Centres. It is consistent with the Council’s Centres Study, the Growth Spine, the Wellington Regional Strategy and the Proposed RPS.

However the name should be changed from “Sub Regional Centres” to “Regionally Significant Centre - Suburban Centres”. This does not change the status of these Centres but is consistent with the language of the Proposed Regional Policy Statement and will reduce confusion over terminology.

## **1.6 Area Specific Provisions**

### **1.6.1 Rongotai South**

A Submission was made that asked for restrictions on retail in Rongotai South should be removed and specifically that large supermarkets and malls should be permitted. The submission also sought to increase the permitted building heights from 12 to 21 metres over a large portion of the zone.

The proposed rules permit a wide range of activity including retail and residential and that one third of the site was taken up by the Bunnings Development. However any changes to the proposed retail rules could potentially undermine the Kilbirnie



Town Centre and have significant impacts on traffic generation, the roading network and parking.

Further retail development beyond that permitted is not ruled out and Resource Consent may be applied for. That process enables the effects of any proposal to be assessed and the proposal judged on its merits. In the Committee's view that is not unreasonable and therefore the Committee did not alter the retail rules.

The Committee gave careful consideration to the request for an increase in height across the entire Business 1 zone at Rongotai. Officers considered it unlikely that industrial or retail uses were likely in a multi storey format in this area and the effects of increased heights were unclear and recommended that the permitted height stay at 12 metres for the majority of the zone.

However the Committee agreed that it was desirable to increase the permitted height to the south of the zone along Lyall Parade. This area is the point where the private and public domains meet and is adjacent to Recreation reserve zoned Open Space A. It is a prominent area and is presently in a degraded state. Poor quality development would have a negative impact on the public domain and the Committee believes that investment in good design and quality buildings should be encouraged.

The land in question is opposite Lyall Bay Beach and "public" uses such as cafes and retail should be provided for on the ground floors of buildings that front Lyall Bay Parade. Failure to provide appropriate opportunities for mixed use development capable of incorporating retail on the ground floor and residential in upper floors would risk replicating the current unsatisfactory built form.

The Committee agreed to increase the permitted height to 16 metres with discretion to build to 18 metres as a Restricted Discretionary Activity and to restrict residential activities on the ground floor of the sites fronting Lyall Parade.

The Committee agreed that this area provides some of the best views of the city and is a highly prized recreation area. It would be a missed opportunity if this area was not developed for a mix of residential and retail uses. While the Committee believes residential activities would be the best use of upper floors but does not propose to mandate that use.

More importantly the Committee believes that the area needs a strong and high quality built edge on the Lyall Parade frontage to mark this important space on Wellington's South Coast. The Committee believes that increased heights are an essential element in achieving this outcome.

### **1.6.2 Adelaide Road and Mount Cook**

The Committee considered a submission that called for a reduction in the permitted heights parts of the Mount Cook centre and Adelaide Road to protect the amenity of Government House and views to the house.

Government House is of great importance to the city and deserves a setting that respects the constitutional role of Governors General. The house is undergoing a major renovation and it is hoped that the house will be more visible and more accessible when it re opens. The Committee made a visit to Government House and two visits to view points in Mount Cook and Adelaide Road.

The Committee concluded that the reduction in height requested by the submitter would have little impact on views to or from the house and would not be justified but agreed to other amendments to control adverse effects of the bulk and location of buildings on the amenity values of Government House and grounds.

## **1.7 Boundaries and Rezoning**

A wide range of re-zonings was proposed for specific sites. Some of these were in DPC 73 as notified and others were proposed in submissions. The Committee undertook a comprehensive programme of site visits before deciding on questions of rezoning.

This overview addresses some of the proposals that seemed to attract particular interest from communities or serve to illustrate the breadth of issues that were of concern to submitters. The detailed decisions in respect of all of the proposals are set out in the body of the report.

### **1.7.1 Aro Street**

Rezoning the properties from 68 – 82 Aro Street was proposed in the draft plan change document. However PC 73 as notified did not include an expansion of the centre to include these properties. Two submissions were received on this matter. One called for expansion of the Suburban centre to include these properties while the other requested that the Centres Zone be applied to the existing retail area excluding the former service station site.

Three further submissions supporting the rezoning of these properties were received. The Committee noted that the only land owner of a potentially affected property who did not submit in support of rezoning was from 72 Aro Street.

The submitter opposing rezoning of these properties raised issues of fairness with Officers and the Committee. Officers advised that there were no procedural impediments or reasons of fairness why the submission seeking rezoning should be considered on its merits. Following circulation of a pamphlet that also raised the question of procedural fairness the Committee decided to seek legal advice.

The legal opinion confirmed the advice of Officers, that the submission seeking rezoning was in scope and that there were no fairness issues with regard to the process. The Committee noted that the submitter opposing rezoning who had raised the issue of fairness had himself sought rezoning of some nearby properties in Willis Street.

The Committee heard extensive oral submissions on the matter and after reviewing expert advice from an expert urban designer it was decided that the subject properties should be rezoned as Centre. This has the effect of continuing the centre zoning from the eastern end of the existing shops to the entrance to Te Aro Park.

However given the predominantly two storey height along the street edge the Committee decided to delete the discretionary height range that would otherwise provide for building up to 12m in height. Instead the Committee decided that any infringement of the 9m height limit should trigger a non complying activity resource consent requirement. This decision was made to avoid out of scale development and out of character development.

### **1.7.2 Thatcher Crescent Crofton Downs**

Forty two submissions were received opposing the rezoning of the garden centres at 4 Thatcher Crescent from Outer Residential to Centres. The proposal to rezone this land was a reflection of its existing use.

There were no submissions or further submissions supporting the rezoning. On this basis and the Committee's assessment of likely adverse effects of commercial redevelopment the Committee agreed that rezoning this land was not appropriate.

### **1.7.3 Raine Street Karori**

6, 6a and 8 Raine Street are homes located behind the main vehicular access to the Karori Mall and directly behind properties with existing commercial uses. Rezoning these properties to Centres was proposed to promote redevelopment opportunities and retail expansion in the Karori Town centre.

Submissions were made that opposed the rezoning and the Committee carefully considered the views of the submitters. However, the Committee noted the extremely limited opportunities to expand the Centre and decided that rezoning was appropriate to enable redevelopment for retail or mixed use in the future.

The Committee emphasised that a Centres zoning will not require any change of use by current owners. In the event that the properties are sold subsequent owners may decide for themselves whether they wish to pursue opportunities for commercial redevelopment or retain the residential use.

### **1.7.4 Portsmouth Road Miramar**

The proposed rezoning of 16 Portsmouth Road from Suburban Centre to Business 2 was opposed in a submission from the owners. It is a large site which they argued could be used for large format retail or residential activity under the current rules and that rezoning to Business 2 down-graded the property and its value.

The submitter told the Committee that while the existing use was industrial, if this use was discontinued they would want to find a higher and better use for the land.

The property is currently leased for the purpose of storing aviation fuel and the lease has a further 5 years to run. If this facility was relocated the land could be better used and should be redeveloped under a Business 1 zoning. In the event that the current lease arrangements are brought to an end any proposal for a supermarket would be appropriately managed through the resource consent process.

The Committee noted the proximity of the property to an existing supermarket and the existing Miramar Town Centre and the dreary nature of the recently built retail complex on Tauhinu Road and concluded that this outcome could easily be repeated if this property was zoned Business 1.

In summary there is no shortage of land within the existing town centre for retail development.

However industrial land is likely to remain in short supply and Business 2 zoning permits a wide range of retailing activity. On this basis the Committee believes that the proposed Business 2 zoning is appropriate for this site.

### **1.7.5 Millward Lane Newtown**

Millward Lane is a short dead end lane that runs along the rear of the residential properties of 9-19 Millward Street. The car park for McDonalds Newtown is located immediately to the east and is zoned Centres. An additional household unit has been built on the rear of 11 Millward Street facing the lane.

A submitter sought rezoning of the rear of the properties 9, 11, 13, 15, 17 and 19 Millward Street as centres but made it clear that the primary focus of their concern was the removal of the car parking requirement for additional household units constructed on the sites.

Officers recommended against rezoning as the front of new household units would not be able to be serviced by vehicles and that rezoning would permit a wide range of uses that may be incompatible with the residential activities on the rest of the sites. The Committee agreed with the Officers that a Centres zoning was not the appropriate solution to the issues raised by the submitter in respect to this group of properties. Accordingly the zoning relief was rejected

Notwithstanding the above the Committee had some sympathy for the submitter's situation regarding the car parking requirement for these particular properties. The Committee noted that substantial residential development had occurred in the Centre Zoning in close proximity to these properties and that it was likely that more mixed use developments would occur. There is no requirement for these developments to provide car parks.

The Committee found it difficult to see how removal of the car parking requirement for these properties would have any discernable impact in addition to that permitted adjacent sites that were zoned Centre.

The Committee considered legal advice as to whether the submission and any proposal to grant a waiver of car parking requirements were in scope. After considering the legal tests referred to in the opinion the Committee was in doubt that such a waiver was fairly raised and within scope.

The Committee agreed to a rule exemption for car parking. It should be noted the Cr Ahipene Mercer had sat on an earlier Resource Consent Hearing on this matter and abstained from the decision.

Finally the Committee wishes to record that consideration of this issue was unnecessarily complicated by sloppy drafting of the original submission and protracted oral submissions on essentially irrelevant matters.

#### **1.7.6 190 Riddiford Street Newtown**

McDonalds opposed the proposed Centres zoning for the McDonalds site at 190 Riddiford Street and requested a Business Area 1 zoning. The submission argues that the Centres provisions focussed on pedestrian activity rather than the present and intended continued use of their site as a drive thru (sic) Restaurant which has a vehicle oriented focus.

This submission identified a tension between Centres zoning and vehicle oriented activities such as drive through restaurants, service stations and supermarkets. The submitter made it clear that, if sufficient change was made to the urban design provisions on the Centre zoning, that rezoning to Business 1 may not be necessary.

The Committee found that the site was unquestionably part of the core commercial and retail area of Newtown and rejected the request for rezoning. However the submission isolated an issue of the accommodation of vehicle oriented activities in Centre Areas that was a considerable concern to a number of submitters.

Some of these concerns are explored in the next section of this summary.

### **1.8 Urban Design**

Four submitters addressed a number of related issues that impacted on their activities in Centre areas. Shell (now Greenstone Energy), Progressive Enterprises, Foodstuffs and McDonalds submitted that DPC 73 did not take sufficient account of the operational requirements of businesses such as (respectively) service stations, supermarkets and drive through restaurants.

These issues included concerns in respect of vehicle crossings, the provision of verandahs, display windows and parking arrangements. The Committee accepted that many existing businesses developed at a time when the proposed standards were not in place but are still important and valued components of commercial activity within Centre areas.

However the Committee did not accept the proposition that the outcomes sought in DPC 73 made it impossible for new developments to accommodate these activities. The Committee noted a substantial difference between the two major supermarket

operators in this regard. Foodstuffs expressed broad support for DPC 73 while Progressive Enterprise's planner described the approach as "nut bar" in respect of DPC 73's potential impact on the development of new supermarkets.

The Committee noted that each of the supermarket companies had developments planned (which were subsequently granted consent) in the Newtown/Mt Cook Centres. Both companies expressed pride in the quality of their proposals and the Committee noted that they each appeared to meet the urban design provisions of PC 73 and to provide high levels of amenity within the Centres in which they were to be located. The Committee believes that these proposals clearly demonstrated that new supermarkets could be developed and consented under the urban design regime proposed by DPC 73.

The use of signage was also discussed in this context and the Committee agreed to some modest amendment to the provisions related to free standing signs. However the Committee noted that many of the issues cited by these submitters relating to signage and other urban design issues arose from the use of standard (often international) company templates which may not always be appropriate to the Wellington environment.

The Committee endorsed the approach of DPC 73 in respect of urban design but agreed that some parts DPC 73 (such as policy explanation) should be modified to better accommodate redevelopment of existing and development of new vehicle oriented activities such as supermarkets, service stations and drive through restaurants.

This area was a major focus of the submissions, hearing and deliberations on DPC 73 and this overview gives only a glimpse of the complex issues associated with accommodating uses such as supermarkets, service stations and drive through restaurants in centres. These are covered in great detail in the body of the report.

### **1.9 Building Heights Kilbirnie**

The Committee considered submissions in respect of building heights in the Woolworths site and the Kilbirnie Bus Barns site. The submitters sought increases to 24 metres and 18 metres respectively. The Committee decided that any decision in respect of increased height and density for Kilbirnie would be premature.

Further work was required to identify specific sites where increased height may be appropriate and whether consequent changes were required to building bulk and location provisions and urban design controls.

The Committee noted that the Council was consulting on a Town Centre Plan for Kilbirnie and this work which could result in variations to PC 72 and 73. Consideration of where and whether any additional height was appropriate should be carried out and decided by way of a variation to DPC 72 and DPC 73.

### **1.10 Heritage**

Submissions were made that sought greater protection of heritage values in Centres. The Committee agrees that many Centres have heritage values that deserve protection

The Committee recognises that Centres are strong contributors to Wellington's character and sense of place.

The Committee notes the recent notification of PC 75 which proposes the creation of Heritage Areas in Aro Valley, Berhampore (Rintoul Street), Hataitai, Newtown centre and John Street, and Thorndon as having heritage values worthy of protection.

## **1.11 Conclusion**

A wide range of amendments have been made in response to submissions but these do not undermine the intent of DPC 73 as notified. In the main these amendments are in the nature of fine tuning and clarification. But even where they may be quite significant they are consistent with the underlying philosophy of DPC 73 and no amendments are proposed to the core elements of the plan change.

The plan change is consistent with and firmly founded on the council's strategic and policy direction. It takes account of key transport investment policies and strategies and will promote walking and multi modal transport. It gives effect to the proposed Regional Policy Statement and will help sustain Wellington's economy, setting, character and compact urban form into the future.

**WELLINGTON CITY COUNCIL  
REPORT OF THE HEARING COMMITTEE**

**SUBJECT:**

PROPOSED DISTRICT PLAN CHANGE 73: SUBURBAN CENTRES REVIEW

**COMMITTEE MEMBERS:**

COMMISSIONERS: ALICK SHAW (CHAIR), DAVID MCMAHON,  
COUNCILLORS: LEONIE GILL AND RAY AHIPENE-MERCER

**DATE OF HEARING:**

26 APRIL – 11 JUNE 2010

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**2. RECOMMENDATION**

Based on the Committee's consideration of all the material before us including the section 42A report from the Council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32, it is recommend to the Council that:

- (a) DPC 73 is approved as notified, except in relation to the matters identified in this decision report, where some minor changes have been recommended.
- (b) Accept or reject all the submissions and further submissions to the extent that they accord with Recommendation (a) above.
- (c) The Committee encourages the Council to consider the wider and non-statutory suggestions made by this Committee and submitters. These include:

*Kilbirnie Town Centre Building Heights*

- (i) Following the completion of the Kilbirnie Town Centre Study Council should investigate an appropriate height regime for the bus barns site. Similarly, and as part of DPC 72 Council should (also via the Kilbirnie Town Centre Study) review whether 52 -84 Ross St, Kilbirnie be in the Medium Density Residential Areas 1 (Kilbirnie). Both the Ross Street and bus barn matters should be the subject to a separate alteration (plan change or variation) to the District Plan to reflect the outcomes of the Kilbirnie Town Centre Study.

*Newtown Frontage Map*

- (ii) Amend frontage map 49C to identify a primary street frontage adjoining 195-207 Riddiford Street, Newtown which was inadvertently omitted from the notified version of maps.

*Noise*

- (iii) Wellington International Airport Limited's (WIAL) strategy for proposed noise insulation provisions applying to properties in the vicinity of the airport was presented for the first time at the hearing. Whilst these provisions may have some merit, the Committee considered that it was beyond the scope of the original submission

and should more appropriately be dealt with as a separate plan change. Ongoing consultation with WIAL and relevant stakeholders is recommended prior to any plan change being promulgated.

### **3. PROPOSED DISTRICT PLAN CHANGE 73**

#### **Overview**

This report relates to Proposed District Plan Change 73: Suburban Centres Review.

District Plan Change 73 was notified on 29 September 2009.

Proposed District Plan Change 73 was a Council-initiated plan change and the purpose of the plan change was to provide a complete review of the District Plan provisions that apply to land within the Suburban Centres, with exception of the Urban Development Area, covering Lincolnshire Farm. All aspects of the Suburban Centres chapter were open to submission. The plan change also covered definitions, design guides, maps etc associated with the Suburban Centres.

The plan change included a number of significant new provisions designed to allow the Council to better manage the effects of new development within the Suburban Centres. These included:

- splitting the current Suburban Centre zone into two new zones, Centres and Business Areas, to recognise their differing roles, and better manage the activities that locate in these areas
- increased policy guidance regarding urban design and the management of retail activities
- the introduction of a new design guides for Centres and Business Areas to help improve the quality of new development
- rezoning of some parcels of land to better reflect existing uses
- amendments to other policies, rules, definitions and planning maps to improve the Plan's effectiveness.

The Council publicly consulted on a draft Suburban Centres plan change for an extended period from 8 December 2008 to 1 April 2009<sup>1</sup>. In total, 207 responses were received from the public, which helped shape the form and content of the plan change before it was publicly notified.

Plan Change 73 (Centres and Business Areas) was publicly notified on 29 September 2009 and submissions closed on 27 November 2009. In total, 132 submissions were received. The Summary of Submissions was prepared and publicly notified on 2 February 2010 with further submissions closing on 2 March 2010. Eighteen further submissions were received.

#### **The Hearing**

The hearing for the plan change was held over 14 days between from Monday 26 April to Friday 11 June 2010, in conjunction with the hearing of District Plan Change 72 (Residential Area Review).

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<sup>1</sup> Consultation on the proposed Suburban Centres Heritage Areas was carried out from 18 March 2009 to 20 April 2009. Consultation on the proposed Thorndon Heritage Area was carried out from 17 April to 3 May 2009.



Members of the Hearing Committee declared certain conflicts of interest resulting from the submissions lodged on District Plan Change 73. As a result, Commissioner Shaw took no part in the hearing and deliberations relating to the submission and further submission of the New Zealand Transport Agency (submission 117, further submission 18). Commissioner Gill identified a conflict of interest in relation to the submissions of the Wellington International Airport Airnoise Management Committee (submission 41), Wellington International Airport Limited (submission 42) and Board of Airline Representatives (FS3) and took no part in the hearing and deliberations arising from those submissions.

Commissioner Ahipene-Mercer abstained from the deliberations regarding Millward Lane, Newtown (resulting from submission 59) on the grounds that he had previously sat on a resource consent hearing for these properties involving similar issues.

No submitters presenting expressed concerns with either conflict of interest.

At the outset of the hearing the Council's Senior Policy Advisor, Stefania Chrzanowska and Council's Programme Manager City Planning, Luke Troy, presented the background and key issues relating to the Plan Change. At the end of the hearing, Stefania Chrzanowska presented the Officers' reply to the matters raised by submitters.

Thirty-two submitters appeared at the hearing and spoke to their submissions. These submitters were (listed below in order of appearance):

- Glenside Progressives Association (Claire Bibby) (S109)
- Transpower New Zealand Limited (Nicola Cordner) (S43)
- Rosamund Averton (S9)
- Cockburn Architects (Daryl Cockburn, Bill Toomath, Julie Genter, John Gray, John Abbate) (S59)
- CentrePort Ltd (Neville Hyde)(S22)
- Greater Wellington Regional Council (Rachel Pawson) (S131)
- New Zealand Transport Agency (Angela Penfold, David Arrowsmith, David Lee, Claire Simmitt) (S117)
- PrimeProperty Group (Eyal Aharoni and Ian Leary) (S85)
- A Gibson (FS15)
- Sarah and Ben Spencer (S106)
- Shell New Zealand Ltd (Keith Callum) (S26)
- Progressive Enterprises Ltd (Matthew Grainger, Mike Foster, Karl Cooper) (S108 and FS1)
- Foodstuffs (Mark Lash, Peter Coop) (S64)
- Hunters Hill Ltd (Rodney Halliday) (S82)
- Takapu Island Developments Ltd (, Sean Murrie, Ian Leary) (S53)
- Roger Hay (S122)
- Department of Prime Minister & Cabinet (Alistair Aburn, Mike Hannaway) (S81)
- Infratil Infrastructure (Alistair Aburn) (S79)
- DNZ Property Group Limited (Alistair Aburn) (S78 and FS9)
- Paulemas Properties (Alistair Aburn) (FS7)
- Roland Sapsford (supported by Lisa Thompson, Jane O'Loughlin and Liz Banas) (S93)
- Kiwi Property Holdings Limited (Claire Kirman, Nick Roberts, Ron Parkins) (S61)
- Tony Randle (S119)
- Mt Cook Mobilised (David Smyth) (S56)
- Air Noise Management Committee (Morgan Slyfield, Mike Brown, Nick Petkov, Laurel Smith) (S41)

- Wellington International Airport Ltd (Morgan Slyfield, Mike Brown, Nick Petkov, Laurel Smith) (S42)
- Board of Airline Representatives Inc (Liz Hardacre, Stewart Milne) (FS17)
- Thatcher Crescent sub-group (S98, S62, S107, S50, S121, S51, S47)
- Showground Properties Ltd (Greg Milner-White) (S101)
- McDonalds Restaurant (Jenny Hudson) (S103)
- Antipodean Properties Ltd (Johnsonville and Kilbirnie) (Alasdair Scott) (S13, S14)
- Hylamn Holdings Ltd (Hamish Brookie, Dave Buchanan) (S111)

The full list of submitters is attached as Appendix 2 to this report.

The Committee deliberated for five days over the period from 22 June to 2 July 2010. Site visits were undertaken on 29 June 2010. The Hearing Committee re-convened on 19, 23 and 30 July 2010 to further consider and refine decisions made during deliberations. The Hearing Committee report was completed between 2 and 10 August 2010.

The following discussion sets out the key issues and the Committee's reasons for making its recommendations.

In reaching these recommendations the Hearing Committee gave careful consideration to all the issues raised by submitters, including those issues raised in evidence by the individuals and expert witnesses who appeared before the Committee. The Hearing Committee had access to full copies of all submissions and further submissions, and referred to these during the hearing and deliberation processes.

In drafting this recommendation report the Hearing Committee have adopted a standard format, structured around the issues raised. For each issue raised in submissions the format involves:

- Submissions – specific issues raised in submissions
- Discussion – including details of matters raised in the hearing
- Recommended Decisions – listed by submission, the details of which are in the annotated version and the planning maps in Appendices 3-5.

To assist readers the recommendation report has, where possible, been structured to follow the hierarchy of the District Plan itself. The report begins with consideration of the high level objectives and policies contained in Chapters 6 and 33, followed by rules, standards, and appendices contained and Chapters 7 and 34.

## **4. SUBMISSIONS AND DISCUSSION**

The submissions received have been grouped according to the issues or concerns they raised. Key issues and the Hearing Committee's decisions on the submissions are addressed in sections 4.1 – 4.22 below.

### **4.1 GENERAL SUBMISSIONS**

#### **4.1.1 General Support**

##### Submissions

Specific issues raised in submissions include:

- Support for the plan change, but no decisions sought from Council (**Submission 1**).

- Substantially supports the Plan Change, however requested that Council address specific matters, as detailed in the submission (**Submission 9**).
- Implement the plan change, except where identified in the specific submissions which follow (**Submission 22**).
- That DPC 73 is amended to accommodate the issues raised in this submission (**Submission 55**).
- The Plan Change is adopted, provided that the specific issues raised in the submission are appropriately addressed, including as sought in the schedules (**Submission 108**).
- Generally supports Proposed Plan Change 73 in particular the mechanism proposed to support the existing network of Suburban Centres, in a way that reflects their different roles and function within Wellington City (**Submission 110**).
- That DPC 73 is approved with the following amendments discussed in the submission (**Submission 117**).
- Supports Plan Change 73 if the Plan Change achieves Council's intentions and will still be viable (**Submission 132**).

#### Discussion

The Hearing Committee accepted these submissions, though noted that its decisions on other matters raised would make some changes to the proposed plan provisions but these would not, in its view, substantially undermine the original intent of the proposed plan change.

#### Recommended Decisions

- **Accept** submissions 1, 9, 22, 55, 108, 110, 117 and 132 insofar as they generally support DPC 73.

### **4.1.2 General Opposition**

#### Submissions

Specific issues raised in submissions include:

- Opposes the plan change as does not think that the Council has engaged the ratepayers with regard to the plan change. The submission requested that Council send a letter enclosing pamphlet PDW 78422 to all ratepayers (**Submission 3**).
- Opposes the plan change, however does not seek any decisions from Council (**Submission 21**).
- Requests that the Proposed Plan Change be withdrawn and redrafted taking into account matters raised in the submission relating to service stations, or that amendments be made to the plan change as detailed in the submission (**Submission 26**).
- Urges the Council to leave the Suburban Centres zoning as it currently exists. Strongly opposes the splitting up of the Suburban Centres zone and plans to restrict retail developments outside of Centres and the requirement for resource consent to assess the impact of these developments. Retail

activity along Ngauranga Gorge is comprised of warehouse showrooms which would not be possible in Suburban Centres retail environments due to lack of developments exceeding 500m<sup>2</sup> (**Submissions 66 – 75**).

### Discussion

**Submission 3** opposed the plan change, objecting to the consultation process undertaken and requested that Council send a letter enclosing pamphlet PDW 78422 to all ratepayers. The Hearing Committee noted that on or around 23 September 2009, a copy of the public notice plus the pamphlet referred to above ('Important notice for all residents and ratepayers - Proposed changes to the Residential and Suburban Centre zones of the City's District Plan') was sent to all ratepayers. The Hearing Committee considered that the concerns raised in the submission had been addressed and the submission was therefore rejected.

**Submission 21** opposed the plan change. The Hearing Committee rejected this submission on the basis that the submission did not seek any decisions from Council.

**Submission 26** requested that the Proposed Plan Change be withdrawn and redrafted taking into account matters raised in the submission, relating to service stations, or amendments be made to the plan change as detailed in the submission. The Hearing Committee considered that it is not necessary or practical to withdraw the entire plan change to take account of service stations. Instead, where relevant, amendments to policies, rules and definitions are proposed to provide clearer guidance on managing service stations. This submission was therefore rejected by the Committee.

**Submissions 66-75** strongly opposed the splitting up of the Suburban Centres zone, plans to restrict retail developments outside of Centres, and the requiring of resource consent to assess the impact of these developments. **Further submission 7** supported **submission 70** in that the existing retail activity at Ngauranga Gorge Road does not fragment or detract from suburban retail centres. The further submission is particularly concerned that existing permitted retail activity under the operative zoning (including the L V Martin showroom and retail outlet) at 1 Malvern Road, Ngauranga, would become a non-complying activity under the proposed Business 2 zoning. As such, **further submission 7** has requested the rezoning of 1 Malvern Road, Ngauranga from a Business 2 Area to a Business 1 Area zoning. This is further discussed in section 4.11.8 of this report.

The Committee noted that much of the land owned by submitters 66-75 is proposed to be rezoned from Suburban Centres to Business 2 Areas. Business 2 Areas have been created in part to respond to the loss of industrial land, which has been a notable trend in the period from 1995-2009 and resulted from the move of residential and retail activities into areas previously dominated by industrial uses. Whilst this trend has provided a greater mix of land uses in some areas it can make it difficult for activities and businesses to find suitable land and premises within the city boundaries. The Business 2 Areas are traditional business areas where a range of industrial activities including warehousing, manufacturing and commercial services can occur. Because of the industrial nature of the activities in such areas, lower levels of amenity are acceptable compared with other areas in the City. Residential and retail activities are not encouraged in Business 2 Areas.

The Committee carefully considered the issue of a potential loss of land suitable for industrial activities and considered that DPC 73 will help deliver Council's strategic direction for the city and to better enable Council to meet its obligations under the RMA. The Committee considered that DPC 73 is a robust document that has been informed by a substantial amount of monitoring, investigation, analysis and testing.

The Committee also considered that consultation on DPC 73 has been full and thorough, including consultation on a draft plan change from 8 December 2008 to 1 April 2009.

The Committee considered that these processes allowed submitters to raise concerns regarding the proposed provisions and for Council to consider the merits of those submissions. On this basis, the Hearing Committee considered that DPC 73 should be retained, however in making this decision noted that amendments recommended elsewhere in this report may go some way to easing the concerns of the above mentioned submissions.

### Recommended Decisions

- **Reject** submission 3.
- **Reject** submission 21.
- **Reject in part** submission 26 insofar as it requested that the proposed Plan Change be withdrawn.
- **Reject** submissions 66-75 insofar as they requested the Suburban Centres zoning to remain.

## **4.2 REGIONAL FORM**

A number of submissions were received with regard to regional form, ranging from high-level strategic issues, the form of the plan change through to objectives, policies, rules and standards. This section of the report focuses on the high-level strategic issues.

### Submissions

Specific issues raised in submissions include:

- Adopt those parts of the plan change that create the Business 1 and 2 Areas, subject to minor changes (**Submission 76**).
- Supports in principle the proposal to split the current Suburban Centres zone into two new zones (Centres and Business Areas), but opposes a number of provisions as they relate to service stations (**Submission 26**).
- Change the proposed zone names to more clearly reflect the intent of the district plan, such as “Suburban Centres”, “Business Area (Mixed)” and “Business Area (Industrial)” (**Submission 131**).
- Retain objectives 6.2.1 and 33.2.1 and their associated policies (**Submission 131**).
- Supports Objective 6.2.1 and supporting policies, in particular Policies 6.2.1.2 and 6.2.1.4 (**Submission 117**).
- Amend Objective 6.2.1 to achieve the overarching goals of the region, as guided by the proposed Regional Policy Statement (PRPS), to read as follows:
  - *“To provide a ~~network~~ hierarchy of accessible and appropriately serviced Centres throughout the City that are capable of providing goods, services and facilities to meet the day to day needs of local communities, residents and businesses, and of accommodating*

*anticipated population growth and associated development whilst maintaining Wellington's compact urban form" (Submission 61).*

- Supports use of a centres hierarchy to assist in managing those centre's roles and uses (**Submission 110**).
- Supports provisions in the Plan Change for the strengthening of neighbourhood centres (**Submission 118**).
- Amend Policy 6.2.1.1 by stating that the Central City is located at the top of the hierarchy of centres throughout the Wellington Region (**Submission 61**).
- Confirmation of the Johnsonville Centre as a sub-regional centre (Policy 6.2.1.1) (**Submission 78**).
- Remove reference to Kilbirnie as a Sub-Regional Centre (Policy 6.2.1.1) (**Submission 61**).
- Adopt Policy 6.2.1.2, which allows for the outward expansion of existing Centres (**Submission 103**).
- Amend Policy 6.2.1.2 to measure the impact of the outward expansion of Centres on the viability and vitality of the City Centre and other identified Regionally Significant Centres (**Submission 61**).
- Amend the explanation to Policy 6.2.1.2 to include a reference to making the best use of existing infrastructure. In addition, amend the third paragraph to the explanation to Policy 6.2.1.2 to include a reference to the wider transport network when considering a resource consent application for expanded centres (**Submission 117**).
- Include provision in Policy 6.2.1.2 for the location of vehicle-oriented activities, including service stations on the edge of existing centres and through the expansion of centres (**Submission 26**).
- Supports definition of 'regionally significant centre' (**Submission 117**).
- Amend definition of 'regionally significant centre' to delete references to Petone and Kilbirnie (**Submission 61**).
- Confirmation of Policy 6.2.1.3 (which sought to promote the viability and vibrancy of regionally significant centres in the Wellington Region) as publicly notified (**Submission 78**).
- Delete Policy 6.2.1.3 and incorporate into Objective 6.2.2 (which seeks to facilitate vibrant and viable centres through enabling a wide range of appropriate activities) (**Submission 61**).
- Requests the inclusion of a reference in Objective 33.2.1.1 and elsewhere as appropriate, that Miramar/Burnham Wharf has higher amenity values than other Business 2 Areas (**Submission 22**).
- Supports Policies 33.2.1.2 relating to the creation of new areas for business and industrial activities (**Submission 117**).
- Delete Policy 33.2.1.3 and incorporate into Objective 33.2.2 (which seeks to enable an appropriate range of activities to occur in Business Areas) (**Submission 61**).
- Submission raised concerns regarding the proposed Business 2 zone and considered that the shortage of industrial land is overstated, but no specific relief is requested (**Submission 114**).

## Discussion

**Submission 76** requested that the Council adopt those parts of the plan change that create the Business 1 and 2 Areas, subject to minor changes relating to definitions, Business 2 retail rules, and urban design. The Committee accepted this submission, noting that its decisions on other matters raised would make some changes to the proposed plan provisions but these would not, in its view, substantially undermine the original intent of the proposed plan change.

**Submission 26** supported in principle the proposal to split the current Suburban Centres zone into two new zones (Centres and Business Areas), but opposed a number of provisions as they relate to service stations. This submission was accepted in part by the Committee insofar as it supported the splitting up of the current Suburban Centres zone into two new zones.

**Submission 131** requested changing the proposed new zone names to more clearly reflect the intent of the district plan, such as “Suburban Centres”, “Business Area (Mixed)” and “Business Area (Industrial)”. The Hearing Committee considered it inappropriate to change the proposed names, as ‘Suburban Centres’ will have the potential to be confused with identified ‘Suburban Centres’ in Policy 29 of the proposed Regional Policy Statement (PRPS) and the zone in the Operative District Plan which covers different commercial areas of the City. In addition, the Committee considered that “Business Area (Mixed)” and “Business Area (Industrial)” may give misleading impressions of the allowable activities in these zones.

**Submissions 131** and **117** supported objectives 6.2.1 and 33.2.1 and their associated policies. **Further submission 13** supported submission 131 with regard to Objective 6.2.1. The support of these submissions was accepted by the Hearing Committee.

**Submission 61** requested that the wording of Objective 6.2.1 be amended to refer to a hierarchy, rather than a network, of Centres throughout the City.

At the hearing, submitter 61 (Nick Roberts on behalf of Kiwi Property Holdings Limited) spoke to a number of issues relating to the proposed Regional Policy Statement, regional form and retail. Mr Roberts stated that he was generally supportive of the plan change and the introduction of a centres-based approach to manage the development of centres within Wellington City; however he considered that changes should be made to clarify and strengthen the document to give better effect to the proposed RPS and achieve the purpose of the Act.

Mr Roberts considered that the word ‘network’ does not infer that there is a status or graded relationship between the centres, which is clear from Policy 29 of the proposed Regional Policy Statement. Mr Roberts considered that the word ‘hierarchy’ would be more consistent with the overarching goals of the region and the proposed RPS, as it infers that each centre has a role within the network as opposed to being simply one of a group of centres.

Officers considered that a wording change is unnecessary and inappropriate as the word ‘network’ adequately explains the relationship of these centres. The Hearing Committee agreed with the Officers’ recommendation and also noted the decision on the proposed RPS which stated that Policy 29 is “*not about retail hierarchy or directing control of retail development but promoting growth in the right places and setting out the future aspirations for those centres*”. The decision on the proposed RPS goes on to say that “*discretion is with each city and district council to determine the range and extent of activities (and whether this includes retail activities) that need to be provided for to support the viability and vibrancy of the regional form. It is not the intention of this policy to address the economic aspects of*

*retail activities*". As such, the Committee noted that retail activity is only one component of regional form, and that accepting this submission would create a different hierarchy which would thus undermine Policy 29 of the proposed RPS. The Committee particularly observed that whilst there is a difference in the label attached to the different regionally significant centres, there is not a difference in status. The Committee noted that in Policy 29 of the proposed RPS, 'sub-regional centres' and 'suburban centres' are given the same weight.

**Submission 110** supported the use of a centres network to assist in managing those centres' roles and uses, while **submission 118** supported provisions in the Plan Change for the strengthening of neighbourhood centres. The support of these two submissions was accepted by the Committee.

**Submission 61** sought that Policy 6.2.1.1 be amended by stating that the Central City is located at the top of the network of centres throughout the Wellington Region, and that Kilbirnie be removed as a Sub-Regional Centre. **Further submission 13** opposed both of these submissions.

At the hearing, Nick Roberts tabled evidence from Mr Mark Tansley, a Statistical and Retailing Consultant who had submitted on the PRPS on behalf of Kiwi Property Holdings Limited. Mr Tansley's evidence noted that Kiwi were generally supportive of the plan change, however requested greater emphasis on the regional CBD and the management of retail redistribution due to its potential to undermine the maintenance of vibrancy and vitality of the CBD and regionally significant centres. Mr Tansley also considered that elevating Kilbirnie to a sub-regional status is completely without merit due to its proximity to the Wellington CBD and that it does not have an identifiable sub-regional catchment, but rather a town centre catchment. The Committee noted it was difficult to place any weight on that evidence given the inability to test its findings with the author who did not attend the hearing.

The Committee did however agreed with Council Officers that it is appropriate to make a minor amendment to the table included in Policy 6.2.1.1 to recognise the importance of the role and function of the Central City. The importance of the Central Area to the economic and social health of the whole region is recognised in the Wellington Regional Strategy and in the Proposed Regional Policy Statement. Council's policy is therefore to maintain and strengthen the Central Area, and to ensure that it retains its primacy as an employment and retail centre. The following sentence has been added to the Policy 6.2.1.1 text referring to the Central City "Future Roles and Functions" table:

*The Central City is located at the top of the hierarchy of Centres throughout the Wellington Region.*

After careful consideration, the Committee also agreed with the Officers' recommendations that it is not appropriate to remove Kilbirnie as a sub-regional centre as Kilbirnie has recently been the subject of an intensive town centre plan process which recognises the importance of this centre in servicing a growing part of the City. The Kilbirnie Town Centre Plan envisages that the Centre will expand its functions and range of facilities and services to meet these demands over time.

The Committee noted that retaining Kilbirnie as a sub-regional centre would be consistent with the Wellington Regional Strategy, which identified eight sub-regional centres, including Johnsonville, Kilbirnie, and Petone which have the potential to play a more significant role, especially in economic growth. However, to ensure consistency with Policy 29 of the proposed RPS, the Committee noted that the label 'sub-regional centre' should be changed to 'Regionally significant centre - suburban centres'. Therefore, Policy 6.2.1.1 has been amended accordingly.

**Submission 78** sought confirmation of the Johnsonville Centre as a Sub-Regional Centre (table in Policy 6.2.1.1). **Further submission 13** supported this submission.



Submitter 78 (DNZ Property Group Limited) spoke in support of the Officers' recommendation. The Committee agreed with Council Officers' recommendations to accept submission 78, however as discussed above, noted that the label 'sub-regional centre' be changed to 'Regionally significant centre - suburban centre'.

**Submission 103** sought the adoption of Policy 6.2.1.2, which allows for the outward expansion of existing Centres. **Further submission 2** supported this submission. The Committee accepted the support of **submission 103**.

**Submission 61** sought that Policy 6.2.1.2 be amended to measure impact on the viability and vitality of the City Centre and other identified Regionally Significant Centres from the outward expansion of Centres.

At the hearing, Mr Roberts considered that it is important for the Wellington City District Plan to consider the effects of retail distribution without regard to physical and jurisdictional boundaries in order to be consistent with the proposed RPS. Mr Roberts made specific reference to Section 2.5, Chapter 3.9, Issue 2 (f) (g), Issue 3 (e), Objective 21 and Policy 29 of the proposed RPS. Mr Roberts' opinion was that Council has an obligation to provide for the management and control of the effects of retail distribution on both the Wellington CBD and regionally significant centres outside the Wellington City area.

The Committee noted that the decision on the proposed RPS was approved by the Greater Wellington Regional Council on 18 May 2010 and was publicly notified on 22 May 2010. Appeals on the proposed RPS closed on 6 July 2010. The Committee were aware that several appeals had been received.

The Committee agreed with the Officers' recommendation that there is no requirement under Policy 29 of the proposed RPS to specifically consider the impacts of development in one regionally significant centre on another regionally significant centre. The Committee also considered that Policy 6.2.1.2 adequately allows for the promotion of growth in existing centres, both for residential and employment activities, whether this includes retail activities or not.

As already discussed, the Committee agreed with the decision on the proposed RPS which stated that Policy 29 is "*not about retail hierarchy or directing control of retail development but promoting growth in the right places and setting out the future aspirations for those centres*". The Committee also noted the main thrust of recent plan changes which aimed to address a critical gap in the City's District Plan, namely the ability to consider the potential economic and transport effects of exceptionally large retail activities and integrated retail developments (such as shopping malls and retail parks) on the sustainability of the Golden Mile and to maintain the retail primacy of the six main suburban centres of Tawa, Johnsonville, Karori, Newtown, Kilbirnie, and Miramar and to manage large retail development outside of these areas. The Committee was also of the view that there is nothing in DPC 73 that undermines sustaining the CBD.

**Submission 117** sought that the explanation to Policy 6.2.1.2 be amended to include a reference to making the best use of existing infrastructure and also the wider transport network when considering a resource consent application for expanded centres. The Committee agreed with Officers that these are important factors to take into consideration therefore accepted this submission and have made minor wording amendments to both the policy and the explanation, as follows:

**6.2.1.1 Allow for the outward expansion of existing Centres when they are required to accommodate growth and where they:**

- are compatible with adjoining land uses; and

- **improve access to goods and services, reduce congestion on the road networks; and**
- **are accessible by a variety of transport modes including public transport, walking and cycling; and**
- **do not generate more than minor adverse effects on the roading network and the hierarchy of roads (Maps 33 and 34) from potential trip patterns, travel demand or vehicle use; and**
- **make the best use of existing infrastructure.**

...

*When Council is considering applications for expanded Centres, factors such as accessibility to the road hierarchy and transport links, the wider transport network, the effect on local amenity and alignment with the Council's spending projections for infrastructure will all be taken into account.*

...

**Submission 26** sought the inclusion of a provision in Policy 6.2.1.2 for the location of vehicle-oriented activities, including service stations on the edge of existing centres and through the expansion of centres.

Officers noted in their recommendation that the Plan currently provides for proposed activities to be assessed on a case by case basis. Without further detailed analysis of a particular area there is no ability to say that an edge-of-a-centre site would be appropriate for a service station. Such a policy may therefore be misleading and is unnecessary.

At the hearing, submitter 26 (Mr Keith Cullum on behalf of Shell New Zealand Ltd – now Greenstone Energy Limited) stated that the Officers' argument can only be accepted if the rules and design criteria against which a service station activity will be assessed are not biased against the activity. Mr Cullum stated that if policy assistance is not available for service stations in the Plan, then rules and design criteria must give more recognition to their special needs.

The Committee generally agreed with the Officers' recommendations, however considered that the submitters point had some merit; namely that further policy guidance could be included in the plan change to recognise the role that service stations play in the city's centres and to acknowledge that service stations are often located on the fringe retail spaces and may not warrant the same level of urban design scrutiny. This issue is further discussed in section 4.5.1 of this report.

**Submission 78** requested confirmation of Policy 6.2.1.3 (which seeks to promote the viability and vibrancy of regionally significant centres in the Wellington Region); while **submission 117** supported, and **submission 61** sought changes to, the definition of 'regionally significant centres'. **Further submissions 13 and 16** opposed submission 61.

**Submission 61** sought that Policies 6.2.1.3 and 33.2.1.3 relating to the viability and vibrancy of Regionally Significant Centres in the Wellington region be deleted and incorporated into Objectives 6.2.2 and 33.2.2, respectively, which specifically address 'activities'.

With regard to submission 61, Council Officers recommended rejecting this request as enabling a wide range of activities in either Centres or Business Areas is just one component that impacts on its viability and vibrancy. A Centre's or Business Area's viability and vibrancy is also influenced by such things as transport, infrastructure and civic or community investment.

At the hearing, Mr Roberts, on behalf of submitter 61, considered that Policy 6.2.1.3 is at odds with Objective 6.2.1 which sets out to achieve a network of accessible and appropriately serviced centres. Mr Roberts suggested that Policy 6.2.1.3 would be better incorporated into Objective 6.2.2 which also addresses vibrant and viable centres, and that there is no need for Policy 6.2.1.3 as it is currently stated.

The Committee noted that until the proposed RPS is made operative there is potential for any amendments made to either the definition of 'regionally significant centres' or Policies 6.2.1.3 and 33.2.1.3 to be inconsistent with the final adopted wording of Policy 29 of the proposed RPS.

In addition, the Committee agreed with Council Officers that it is inappropriate to delete Policies 6.2.1.3 and 33.2.1.3 and incorporate them into Objectives 6.2.2 and 33.2.2 respectively. The Committee also agreed with Council Officers that Policy 6.2.1.3 (and consequently Policy 32.2.1.3) should be amended to better reflect the wording of Policy 29 of the Regional Policy Statement, which aims to maintain and enhance the viability and vibrancy of regional significant centres.

The Committee also accepted that the explanatory text for Policies 6.2.1.3 and 32.2.1.3 should also be amended accordingly to refer to the proposed RPS but to remove references to specific centres. This way if Policy 29 of the RPS changes as part of the statutory process, Policies 6.2.1.3 and 32.2.1.3 will still give effect to the RPS. The Committee also considered that the definition of 'regionally significant centres' in Chapter 3 of the Plan Change be amended to have the same meaning as that in the proposed RPS, so that if there are changes in the proposed RPS, a variation to DPC 73 to change the definition of 'regionally significant centres' will not be required. These changes are as follows:

Policies 6.2.1.3 and 33.2.1.3:

**Promote Maintain and enhance the viability and vibrancy of Regionally Significant Centres in the Wellington region.**

~~*The Wellington Regional Policy Statement (RPS) recognises that the Wellington central business district is the key central business district of the Region. It also recognises the commercial areas of Upper Hutt city centre, Lower Hutt city centre, Porirua city centre, Paraparaumu town centre, Masterton town centre, and the other major centres of Petone, Kilbirnie and Johnsonville as Regionally Significant Centres.*~~

~~*The District Plan recognises that promoting the viability and vibrancy of these Regionally Significant Centres is important in order to encourage investment and development that supports an increased range and diversity of activities.*~~

*The Regional Policy Statement (RPS) recognises that the Wellington central business district is the key centre within the region, and has a critical role in maintaining and growing the region's economy. It also recognises a number of other Regionally Significant Centres, which are important centres servicing their sub-regions. This includes centres within and outside of Wellington City. This policy gives effect to the RPS, and ensures that these Regionally Significant Centres are maintained and enhanced where possible through the application of the District Plan.*

Chapter 3 definition:

**REGIONALLY SIGNIFICANT CENTRE: the regionally significant centres are:**

- Central Business district in Wellington City
- Upper Hutt city centre
- Lower Hutt city centre
- Masterton

- ~~Porirua city centre~~
- ~~Paraparaumu town centre~~
- ~~Petone~~
- ~~Kilbirnie~~
- ~~Johnsonville~~

**REGIONALLY SIGNIFICANT CENTRE:** has the same meaning as in the Proposed Regional Policy Statement for the Wellington Region.

**Submission 22** requested the inclusion of a reference in Objective 33.2.1.1 and elsewhere as appropriate that Miramar/Burnham Wharf has higher amenity values than other Business 2 Areas. **Further submission 12** opposed this submission and requested that if such acknowledgement were to occur, that this be limited to recreational opportunities only.

Council's Officers noted that future use of this area is uncertain, as economic and structural changes may mean it is no longer required for port activities at some time. The proposed Business 2 zone provides for a range of other activities to occur and provides sufficient flexibility to allow for the redevelopment of this area in an appropriate manner. A design guide is in place to guide large-scale development.

Submitter 22 (Neville Hyde on behalf of CentrePort Limited) stated at the hearing that the Officers' recommendation to decline this submission fails to appreciate the potential development/activity opportunities of the land in question. Mr Hyde also stated that CentrePort is clearly interested in not allowing activities/developments to establish which will create any reverse sensitivity impositions (hazard, glare, odour and noise) relative to Port Operational Activity, but as the land owner it can manage these. Mr Hyde stated that CentrePort still considers that the plan change should recognise the potentially higher amenity value of the land (relative to other Business Area land) on the basis of the decision sought.

In response, the Committee considered that until such time an indication of potential future development of the Miramar/Port area is known, the area appears to function well as an operational port area. Any future change of uses on the land can be addressed by Council if necessary as a future plan change or variation. For these reasons, the Committee agreed with Council Officers that additional wording as requested is unnecessary.

**Submission 117** supported Policies 33.2.1.2 relating to the creation of new areas for business and industrial activities. This support was noted and accepted by the Committee.

**Submission 114** raised concerns regarding the proposed Business 2 zone and considered that the shortage of industrial land is overstated, but no specific relief was requested. Research undertaken for Council projected a deficit of between 77-100 hectares of land, available for industrial and business uses, over the 2007-2021 period. As the submission requested no relief, the Hearing Committee considered it appropriate to reject this submission.

#### Recommended Decisions

- **Accept** submission 76 insofar as it requested that Council adopt those parts of the plan change that create the Business 1 and 2 Areas, subject to minor changes.
- **Accept** submission 26 insofar as it supported the splitting up of the current Suburban Centres zone into two new zones.

- **Reject** submission 131 insofar as it sought to change the zone names to more clearly reflect the intent of the district plan, such as “Suburban Centres”, “Business Area (Mixed)” and “Business Area (Industrial).”.
- **Accept** submission 131 insofar as it requested that Council retain Objectives 6.2.1 and 33.2.1 and their associated policies.
- **Accept** submission 117 insofar as it supported Objective 6.2.1 and supporting policies, in particular Policies 6.2.1.2 and 6.2.1.4.
- **Reject** submission 61 insofar as it requested that Objective 6.2.1 be amended to achieve the overarching goals of the region, as guided by the proposed Regional Policy Statement.
- **Accept** submission 110 insofar as it supported the use of a centres hierarchy to assist in managing those centre’s roles and uses.
- **Accept** submission 118 insofar as it supported provisions in the Plan Change for the strengthening of neighbourhood centres.
- **Accept** submission 61 insofar as it requested that Policy 6.2.1.1 be amended by stating that the Central City is located at the top of the hierarchy of centres throughout the Wellington Region.
- **Accept** submission 78 insofar as it requested confirmation of the Johnsonville Centre as a sub-regional centre (Policy 6.2.1.1).
- **Reject** submission 61 insofar as it requested that the reference to Kilbirnie as a Sub-Regional Centre be removed from Policy 6.2.1.1.
- **Accept** submission 103 insofar as it requested that Policy 6.2.1.2, which allows for the outward expansion of existing Centres, be adopted.
- **Reject** submission 61 insofar as it requested that Policy 6.2.1.2, be amended to also refer to the viability and vitality of the City Centre and other identified Regionally Significant Centres.
- **Accept** submission 117 insofar that an amendment has been made to Policy 6.2.1.2 to include a reference to making the best use of existing infrastructure.
- **Accept** submission 117 insofar as it requested that references to the wider transport network when considering a resource consent application for expanded centres be made in Policy 6.2.1.2.
- **Reject** submission 26 insofar as it requested the inclusion of a provision in Policy 6.2.1.2 for the location of vehicle-oriented activities, including service stations on the edge of existing centres and through the expansion of centres.
- **Accept in part** submission 117 insofar as it supported the definition of ‘regionally significant centre’.
- **Reject in part** submission 61 insofar as it sought that the definition of ‘regionally significant centre’ be amended to delete references to Petone and Kilbirnie.
- **Accept** submission 78 insofar as it requested confirmation of Policy 6.2.1.3 (which sought to promote the viability and vibrancy of regionally significant centres in the Wellington Region) as publicly notified.
- **Reject** submission 61 insofar as it sought to delete Policies 6.2.1.3 and 33.2.1.3 and incorporate them into Objectives 6.2.2 and 33.2.2, respectively.

- **Reject** submission 22 insofar as it requested the inclusion of a reference in Objective 33.2.1.1 and elsewhere as appropriate that Miramar/Burnham Wharf has higher amenity values than other Business 2 Areas
- **Accept** submission 117 insofar as it supported Policies 33.2.1.2 relating to the creation of new areas for business and industrial activities.
- **Reject** submission 114 insofar as it raised concerns regarding the proposed Business 2 zone and considered that the shortage of industrial land is overstated, but no specific relief is requested.

### 4.3 AREA SPECIFIC PROVISIONS

A number of submissions were received with regard to provisions relating to particular Centres and Business Areas around the City. This section of the report focuses on submissions received on issues relating to generic policies on 'business precincts' through to submissions received relating to Rongotai South, the Mt Cook Centre, Johnsonville, Churton Park and Lincolnshire Farm.

#### 4.3.1 Business Precincts

##### Submissions

Specific issues raised in submissions include:

- Retain Objective 33.2.3 – Business Precincts and associated Policy 33.2.3.1 as notified (**Submission 83**).
- Retain Objective 33.2.3 – Business Precincts and its associated policies (**Submission 131**).
- Zone Shelly Bay as a precinct to facilitate a range of stakeholder inputs to any proposed usage change or development (**Submission 77**).

##### Discussion

Shelly Bay has been identified as a Business Area Precinct which is appropriate given the limited number of owners of the land, and the fact that there are significant infrastructural issues that need to be resolved in a comprehensive manner. **Submission 83** asserted that due to Shelly Bay's strong connections to both Maori and its military and maritime past, any redevelopment of the area needs to respect the historical context, fabric and values associated with Shelly Bay. The submission stated that it is important that any development incorporates and is sensitive to the special heritage values associated with the place and its context between the sea and the Miramar headland. The Hearing Committee noted that these issues are already covered in the specific design guide for Shelly Bay in Volume 2 of the operative District Plan. The Committee also noted and accepted the submission.

**Submission 131** supported the intent of Objective 33.2.3 and its associated policies as they will help give effect to policies 29, 30 and 31 of the proposed Regional Policy Statement. The support of **submissions 83** and **131** regarding the retention of Objective 33.2.3 and its associated policies was accepted by the Committee.

**Submission 77** requested that Shelly Bay be rezoned in a special category (e.g. a precinct) to facilitate a range of stakeholder (including public) inputs to any proposed usage change or development. As indicated both on the proposed planning maps and in Policy 33.2.3.1, Shelly Bay has been identified as a Business Precinct. As such, **submission 77** was accepted by the Committee.

### Recommended Decisions

- **Accept** submission 83 insofar as it sought the retention of Objective 33.2.3 – Business Precincts and associated Policy 33.2.3.1 as notified.
- **Accept** submission 131 insofar as it requested retention of Objective 33.2.3 and its associated policies.
- **Accept** submission 77 insofar as it requested that Shelly Bay be zoned as a precinct to facilitate a range of stakeholder inputs to any proposed usage change or development.

### **4.3.2 Rongotai South**

#### Submissions

Specific issues raised in submissions include:

- Include all those properties from 5 to 74 Kingsford Smith Street, together with the properties known as 102 to 142 Tirangi Road on the western side of the street, as a Business Precinct, in recognition of the specific qualities of the area. Amend Policy 33.2.3.2 to include Rongotai South as a Business Precinct, and add a new policy under Objective 33.2.3 that provides for and encourages mixed use development opportunities at Rongotai South (**Submission 85**).
- Delete Rule 34.1.2, regarding retail in Business 1 Areas and does not support Rules 34.4.2, 34.4.3 and 34.4.4, regarding retail in Business 1 Areas (**Submission 85**).
- Increase the maximum permitted building height for parts of the area at Rongotai South from 12m to 21m (**Submission 85**).

#### Discussion

**Submission 85** (PrimeProperty Group) sought that Rongotai South be identified as a Business Precinct and that Policy 33.2.3.2 be amended as follows:

- 33.2.3.2 Provide for the comprehensive development and redevelopment of those Business Areas, such as Shelly Bay and Rongotai South, which display unique development opportunities through a concept, master or structure plan process.**

Submission 85 also sought that a new policy be inserted under Objective 33.2.3 which provides for and encourages mixed use opportunities at Rongotai South, as follows:

- 33.2.3.3 Provide for and encourage mixed use development opportunities at Rongotai South, that support existing residences, businesses and facilities, in the local and wider area.**

**Further submission 12** (Wellington International Airport Limited (WIAL)) supported these submissions.

The Committee was of the view that proposed controls already provide a reasonable level of control over activities and buildings in this area. These controls include giving particular consideration to large retail developments, buildings over 500m<sup>2</sup>, buildings comprising residential uses, and activities that provide more than 70

parking spaces. In the Committee's view, no additional activity controls are considered necessary to manage development in the area. In addition, unlike the Business Precinct identified at Shelly Bay, the existing street pattern is well-established, and there is no particular need for comprehensive planning or significant infrastructure improvements. The Rongotai South area has a multitude of land owners, and it is anticipated that any future development in this area will be undertaken in an incremental manner. The Committee considered that the proposed Business 1 zoning is appropriate as it already provides for a wide range of mixed activities including residential, retail and other business activities. Accordingly, the Committee considered it appropriate to reject this submission by not altering the policies as requested and therefore not identifying Rongotai South as a Business Precinct.

**Submission 85** also sought the deletion of Rule 34.1.2, regarding retail in Business 1 Areas and did not support Rules 34.4.2, 34.4.3 and 34.4.4, regarding retail in Business 1 Areas. **Further submission 12** supported this submission.

The Committee carefully considered the submission and agreed with the submitter with regard to the potential problems with having a broad brush approach to this particular location, given the amenity and special character of the Lyall Bay coastal environment. However the Committee was also mindful of the need to balance these matters with the retail distribution aspects of the Plan Change.

The Committee noted that in the research and drafting of the proposed Plan Change, out-of-centre retailing was identified as a key issue that needs to be better managed. As such the Committee considered that any changes to the retail rules may potentially undermine the role and function of Centres, particularly Kilbirnie centre, given the recent work carried out as part of the Kilbirnie Town Centre Plan, and the proposed RPS, and Council's and the community's investment in infrastructure and community services and facilities. The Committee also noted that changes to the retail rules proposed by submitter 85 may result in significant transport impacts, including effects of vehicle generation on the wider strategic roading network and on parking. The proposed rules only require that a consent be gained and do not rule out retail development if there are no significant retail distribution, traffic or amenity impacts. The Committee therefore considered it appropriate to reject this submission and retain the proposed rules.

**Submission 85** also sought that permitted building heights be increased from 12m to 21m for parts of the area at Rongotai South. **Further submission 12** supported this submission.

Officers had noted that no specific justification had been given in the submission notice as to why there was a need to increase the permitted building heights at Rongotai South and what proposed land uses would be considered on these sites. In the RMA s42A Officers' Report, Officers were not convinced of the need for the height increase for a variety of reasons. Essentially Officers considered that:

- it is unlikely that industrial or retail uses would be feasible in a multi-storey format in this location, especially noting that the already consented Bunnings Warehouse store will take up approximately one-third of the land area in question
- residential uses in upper storeys of buildings may have a range of undesirable effects and that the effects of increased buildings heights were unclear
- there could be significant impacts from traffic, from reverse sensitivity to noise or on urban form.

For those reasons the recommendation in the s42A report was to retain the maximum permitted building height limit of 12m.



At the hearing, **submitter 85** (PrimeProperty Group) voiced disappointment with the s42A report recommendations and at Council's attitude in developing DPC 73, and stated that the consultation was flawed and surveys were set up to support Council's approach. Whilst the submitter conceded that DPC 73 is a great improvement on the draft plan change that was consulted upon in 2008, the submitter considered that the previous Suburban Centres zone was perfect and should not have been amended.

The submitter considered that Kilbirnie and Rongotai should be one entity as they are physically very close and that Council should reinstate the previous Suburban Centres zone, but if not should remove any restriction on large supermarkets and on the creation of malls.

The submitter spoke of his vision for the Rongotai South area and the regime of mixed use activities and variety of building form that could be established with the flexibility of additional permitted height. Examples of a hotel and /or apartment style development were given to by the submitter. To this end the submitter considered that there should be no height controls in Rongotai or the CBD, or if there is a height control in Rongotai South, it should be increased to 21 metres.

In considering the relief sought in the submission regarding increased permitted building heights, the Committee took into account the following questions:

- Is the zone capable of absorbing additional permitted height and if so to what extent, spatially, is some increased height appropriate?
- What, if any, increased permitted heights would be appropriate?
- What type of activities would be appropriate in the area?
- And, in the event that all or some relief is provided to the submitter, are any restrictions required to achieve high quality urban form and urban design outcomes?

In considering the first issue of the spatial extent of any height increase (should an increase be deemed to be acceptable), the Committee did not support an increase in height (whether up to 21m or less) across the entire range of properties in the Rongotai Business 1 zone as identified in the submission. This was because the submitter did not provide evidence to show that any adverse effects in terms of shading, loss of privacy, effects of the amenity on the Parade or foreshore, or effects on the urban form could be either mitigated or managed. The Committee therefore agreed to retain the existing 12m permitted building height limit for the majority of the sites in this zone. The Committee was satisfied that any breaches of the permitted building height throughout much of the zone would be best addressed as part of the resource consent process.

However, to take advantage of the proximity to the Lyall Bay coastal environment, the Committee did accept that a case existed for a differential height on the properties towards the southern end of the Rongotai South Business 1 Area zone - the issue being how much and where?

The Committee agreed with the submitter that there is an opportunity for a degree of development in the Rongotai South area, particularly along Lyall Parade rather than the remaining parts of the Business 1 zoning and that an opportunity could be lost if an increase in height was not applied to this southern area and development similar to the unflattering built form currently there was either retained or replicated. In the view of the Committee, development fronting Lyall Parade needs to be of a high quality to improve the quality of the built edge and to recognise its relationship to the character of the Lyall Bay coastal environment, and to utilise some of the best views in the city. The Committee noted that any new buildings in the area must have a

strong edge to support the coastal environment. The Committee also noted sections 6(a) and 7(c) of the RMA which require that Council recognise and provide for the preservation of the natural character of the coastal environment and to have particular regard to the maintenance and enhancement of amenity values.

The Committee noted that the sites fronting Lyall Parade and the western side of the subject properties are adjacent to a Recreation Reserve, zoned “Open Space A (Recreation facilities)” under the operative District Plan and is owned by Wellington City Council. A limited range of activities are permitted on Open Space A land, including recreation activities, planting, temporary activities, and only those buildings and structures for the purposes of recreation activities, car-parking areas, and access drives provided that they comply with specified conditions.

The Committee considered that ‘public’ uses (i.e. non-residential uses, such as a restaurant, café or other small retail) should be provided for on the ground floor of sites fronting Lyall Parade. This was to ensure an ‘active edge’ to Lyall Parade and would complement the “public domain” that is the Open Space A zone land along this frontage. The Committee was concerned that a residential use has the potential to ‘colonise’ the adjacent Open Space land to the south to the exclusion of the general public. Whilst the Committee did not consider it necessary to control the types of activity above ground floor, it wished to emphasise that residential activities above ground floor in this southern section of Rongotai South would be the best use of land in this area.

In terms of deciding on an appropriate height for the southern part of the area in question, the Committee considered that a ground floor of non-residential activity (e.g. small-scale retail or café/restaurant), plus four floors of office or residential activity above would form the basis for setting be an appropriate height in terms of minimising effects of shading, loss of privacy, bulk or other effects on the amenity of the Parade or foreshore. For this reason, the Committee agreed that 16m would be an appropriate permitted building level height which would allow for a ground floor with a minimum floor to floor stud height of 4m, plus four floors above with a minimum ground floor to floor stud height of 3m. The Committee agreed however that discretion to exceed this height should be limited to 18m to ensure consistency with most of the larger Centres and other Business 1 Areas in the District Plan.

In addition, to ensure a high quality urban design outcome the Committee wanted to ensure that new vehicle accesses and parking areas will not be permitted in and from sites fronting Lyall Parade. The Committee also noted that as a result of other provisions in DPC 73 any building with a gross floor area exceeding 500m<sup>2</sup> would trigger the need for an urban design assessment under Rule 34.3.5.

The Committee noted that consent had recently been granted for, and construction started, on a Bunnings development at 24-54 Kingsford Smith Street. The Committee was of the view that this site and the intersection of Kingsford Smith Street with McGregor Street provided an appropriate northern boundary for the area that is subject to the increased permitted building heights.

In summary, the Committee agreed on the following set of provisions as an appropriate response to the submission:

- a maximum permitted building height of 16m, with discretion to build up to 18m as a Discretionary Activity (Restricted), for the following lots:
  - 7 McGregor Street (legally described as Lot 1 DP 85123)
  - 53 – 59 Kingsford Smith Street (legally described as Lot 2 DP 85123 and Lots 1 and 2 DP 80510)
  - 60 – 72 Kingsford Street (legally described as Lots 17 – 20 DP 21360)

- restricting residential activities on the ground floor of sites fronting Lyall Parade only
- applying a minimum floor to floor stud height of 4m to the ground floor of sites fronting Lyall Parade to ensure a degree of flexibility for future developments
- applying a minimum floor to floor stud height of 3m to all above ground floors of sites fronting Lyall Parade to ensure a degree of flexibility for future developments good urban design outcomes
- restricting new vehicle access and parking and servicing/loading areas for sites fronting Lyall Parade
- requiring new buildings fronting Lyall Parade to be built in alignment with the existing Lyall Parade street frontage
- restricting featureless facades, such as one that lacks windows, public access or other architectural detailing etc, on buildings fronting Lyall Parade.

Accordingly, changes have been made to the Business Area Standards. These include amendments to Standard 34.6.2.1.1 regarding height, the introduction of new minimum building height under Standards 34.6.2.2.1 and 34.6.2.2.2, new requirements regarding vehicle parking, servicing and access under Standards 34.6.1.6.4, 34.6.1.6.8 and 34.6.1.6.12, new requirements for active building edges, stud heights and building to the street edge under Standards 34.6.2.6.1-3. Please refer to the annotated Business Area Standards.

#### Recommended Decisions

- **Reject** submission 85 insofar as it sought that Policy 33.2.3.2 be amended to include Rongotai South as a Business Precinct.
- **Accept in part** submission 85 insofar as it sought that a new policy be inserted under Objective 33.2.3 which provides for and encourages mixed use development opportunities at Rongotai South.
- **Reject** submission 85 insofar as it sought that Rule 34.1.2, regarding retail in Business 1 Areas, be deleted, and that it does not support Rules 34.4.2, 34.4.3 and 34.4.4, regarding retail in Business 1 Areas.
- **Accept in part** submission 85 relating to increasing the 12m maximum permitted building height in Rongotai South by allowing a maximum permitted building height of 16m on the following sites: 7 McGregor Street (legally described as Lot 1 DP 85123); 53 – 59 Kingsford Smith Street (legally described as Lot 2 DP 85123 and Lots 1 and 2 DP 80510); and 60 – 72 Kingsford Street (legally described as Lots 17 – 20 DP 21360). Such new heights are subject to restrictions on ground floor activity, ground floor height and inter floor heights.

### **4.3.3 Mt Cook Centre**

#### Submissions

Specific issues raised in submissions include:

- There has to be a whole centre and neighbourhood concept for the Mt Cook centre rather than approval via each individual development. Otherwise the total impacts are not able to be managed. Where there is to be intensive residential growth i.e. Mt Cook, then there should be green spaces allocated

rather than “ghettoisation”(sic) of the area with apartment after apartment (**Submission 19**).

- Insert a new policy 6.2.3.14 relating to the adverse effects of the bulk and location of buildings and developments in the Mt Cook Heights Zones on the amenity values of Government House and Grounds (**Submission 81**).
- Amend permitted building height provisions as follows: 9m in Height Zone 1 and 12m in Height Zone 2, Mt Cook (Adelaide Road) Height Zones, for sites east of Adelaide Road (**Submission 81**).
- Insert new bullet point to proposed Rule 7.3.6 exempting the construction of, alteration of, and addition to buildings and structures anywhere east of Adelaide Road within the Mt Cook Centre, and insert new Rule 7.3.12 relating to building work east of Adelaide Road within the Mt Cook Centre (**Submission 81**).
- Insert new objective and guideline in the Centres Design Guide to acknowledge Government House (**Submission 81**).
- Extend the secondary street frontage for the full length of both frontages of Drummond Street (East) on Planning Map 46 (**Submission 81**).

### Discussion

**Submission 19** sought a whole of centre concept for the Mt Cook Centre. The Hearing Committee considered that the Adelaide Road Framework, adopted by Council in November 2009, addresses the concerns raised in the submission. Relevant proposals from this framework have been incorporated in DPC 73. In addition, the Centres Design Guide will help ensure well-designed developments that provide for a good quality of living. For these reasons, **submission 19** was accepted in part by the Committee.

**Submission 81** sought the following amendments to DPC 73 from Council:

- (a) insertion of a new policy specific to Government House and Grounds
- (b) amendment of the permitted activity height provision in specific parts of the Adelaide Road height Area
- (c) insertion of a new additional bullet point to proposed Rule 7.3.6 confirming that the rule does not apply in certain circumstances – i.e. to buildings east of Adelaide Road
- (d) insertion of a new rule that would apply to buildings east of Adelaide Road
- (e) insertion of a new objective and guideline in the Centres Design Guide relating to Government House and its Grounds
- (f) extension of the ‘secondary street frontage’ in Drummond Street (East).

Council Officers did not consider it appropriate to apply a reduced permitted building height of 9m blanket across height zone 1. The current height limit is 12m, and any decreases in height will disadvantage the owners of all affected properties. Insufficient evidence has been provided to justify a reduction in height. Such an outcome would be contrary to the Adelaide Road Framework, and may lead to poor urban design outcomes.

One of the key aims of the Adelaide Road Framework is to provide for significantly more residential development in the area. Reducing the permitted building heights on the eastern side of Adelaide Road would not support this key concept.

Officers considered that the submission had not provided sufficient evidence to show that views to Government House would be significantly affected by the 18m permitted building height in Zone 2. Analysis of this issue as part of the Adelaide Road Framework indicated no significant impacts on viewpoints looking towards Government House.

Officers considered that there was however scope to include further provisions specifically recognising Government House and its grounds in the Centres Design Guide to address concerns relating to the visual impact of new buildings on the eastern side of Adelaide Rd.

With regard to points (c) and (d) in the submission, Officers considered that rather than add an entire new rule relating to development on the eastern side of Adelaide Road that may impact on Government House, it would be sufficient to add an additional matter of discretion under Rule 7.3.6 for new buildings that trigger consent with an urban design matter of discretion, which reads as follows:

*7.3.6.11 Effects of the building work on the context and setting of Government House and Grounds, including effects on views to and from Government House (on the eastern side of Adelaide Road in the Mt Cook Centre only).*

With regard to point (f) in the submission, Officers were originally of the view that a secondary street frontage extended for the full length of both frontages of Drummond Street (East) would not fit with the criteria developed for the consistent application of the secondary frontage rule. The proposed rules already require that any buildings exceeding 100m<sup>2</sup> (on a site other than a primary or secondary street frontage) will require an urban design assessment. Officers considered that this urban design trigger would be sufficient to address the concerns raised in the submission. Officers also considered that the additional objective in the Centres Design Guide and the additional matter of discretion would go some way in recognising the submission's concerns regarding the appropriate protection of views to and from Government House and its grounds (especially to the War Memorial and Carillion).

At the hearing, **submitter 81** (Alistair Aburn on behalf of the Department of the Prime Minister & Cabinet (DPMC)) raised issues with regard for the need to have appropriate District Plan provisions to protect Government House and Grounds from inappropriate development on sites within the Mt Cook (Adelaide Road) Height Zones. Mr Aburn commented on the importance of Government House and Grounds, including its status as a listed heritage building and as a registered Category 1 historic place under the Historic Places Act.

Mike Hannaway, Senior Project Manager at the DPMC, also spoke to the hearing on the conservation upgrade project of Government House and the likely increased usage of the Drummond Street entrance to Government House in the future (including a possible public walkway link to the Town Belt).

The overall thrust of DPMC's submission was that DPC 73 was opposed in its present form given the lack of specific provisions directed toward the protection of the significant heritage and open space values associated with Government House and Grounds.

With regard to points (c) and (d) in the submission, Mr Aburn advised that the submitter accepted Council Officers' recommendations that rather than add an entire new rule relating to development on the eastern side of Adelaide Road that may impact on Government House, it would be sufficient to add an additional matter of discretion under Rule 7.3.6 for new buildings that trigger consent with an urban design matter of discretion.

The Committee agreed with Council Officers' recommendations and the submitter on that particular rule, and decided to include an additional matter of discretion under Rule 7.3.6 for new buildings that trigger consent with an urban design matter of discretion (as discussed above).

With regard to point (a) in the submission, the submitter suggested wording for a new policy. The Committee accepted an amended version of this policy as follows:

*Government House and Grounds*

**6.2.3.14 Manage the bulk and location of buildings and developments in the Mt Cook (Adelaide Road) Height Zones so that they avoid, remedy or mitigate adverse effects of shading, loss of daylight, privacy, scale and dominance and any other adverse effects on the amenity values of Government House and Grounds.**

*Government House is registered as a Category 1 Historic Place and is listed as a heritage building in the District Plan (Planning Map 6, Symbol Ref 104). The grounds of Government House are identified as a "Garden of National Significance" by the New Zealand Gardens Trust.*

*Government House is the residence of the Governor General. The Governor General is a pivotal figure in the constitutional life of the country, being the representative of the Queen in New Zealand.*

*Government House is held in very high public esteem as many people have visited the house for investitures and social functions; it has also been the scene of numerous visits by royalty and overseas dignitaries from many countries.*

*Development in the adjacent Mt Cook (Adelaide Road) Height Zones has the potential to adversely affect the amenity values of Government House, including its heritage and open space values as a result of the scale, dominance and design of buildings and developments in the Mt Cook (Adelaide Road) Height Zones.*

*The bulk and location standards indicate a level of development that can be reasonably anticipated in the Mt Cook (Adelaide Road) Height Zones, subject to design guidance (refer Centres Design Guide). Where these standards are exceeded and resource consent is required, applications will need to demonstrate how it is proposed to deal with (avoid, remedy or mitigate) any resulting adverse effects on the amenities of Government House and Grounds.*

With regard to point (b) in the submission, following a site visit and after considering advice from architect and urban designer, Graeme McIndoe, on urban design matters, the Committee agreed with Council Officers that it would not be appropriate to apply a reduced permitted building height of 9m blanket across height zone 1. The Committee however accepted that the discretionary limit would be too high in some locations and as such, decided that additional policy guidance should be included in the plan change to acknowledge this, and to ensure that dominance does not occur. This is now referenced in new Policy 6.2.3.14 as discussed under point (a).

With regard to point (e) in the submission, the Committee also considered that there is scope to include further provisions specifically recognising Government House and its Grounds. Therefore a Mt Cook/Adelaide Road appendix has been added to the Centres Design Guide to help recognise some of the concerns raised in the submission of the visual impact of new buildings along the eastern side of Adelaide Road.

With regard to point (f) in the submission, the Committee considered the commentary provided by Mr Hannaway at the hearing on the increased future use of the vehicle entry for visitors to Government House from Drummond Street and decided that it would be appropriate to identify a secondary street frontage along both sides of Drummond Street (East). This way, any new buildings constructed in

this area would require an urban design assessment, which should go some way to alleviating the concerns of the DPMC.

#### Recommended Decisions

- **Accept in part** submission 19 insofar as it requested that there be a whole centre and neighbourhood concept for the Mt Cook centre.
- **Accept** submission 81 insofar as it requested a new policy relating to the adverse effects of the bulk and location of buildings and developments in the Mt Cook Heights Zones on the amenity values of Government House and Grounds.
- **Reject** submission 81 insofar as it requested reduced permitted building heights for sites east of Adelaide Road within the Mt Cook Centre.
- **Accept** submission 81 insofar as it requested extending the secondary street frontage for the full length of both frontages of Drummond Street (East) on Planning Map 46.
- **Accept in part** submission 81 insofar as it requested that a new bullet point to proposed Rule 7.3.6 be inserted that exempts the construction of, alteration of, and addition to buildings and structures anywhere east of Adelaide Road within the Mt Cook Centre.
- **Reject** submission 81 insofar as it requested a new Rule 7.3.12 relating to building work east of Adelaide Road within the Mt Cook Centre.
- **Accept in part** submission 81 insofar as it requested that a new objective and guideline be inserted in the Centres Design Guide to acknowledge Government House.

#### **4.3.4 Johnsonville**

##### Submissions

Specific issues raised in submissions include:

- Submission supported the whole concept of the redevelopment of the Johnsonville Town Centre (**Submission 96**).
- Council should use its very best endeavours to sought DNZ's agreement to make significant design improvements to its Johnsonville Shopping Centre redevelopment (especially but not only in terms of accessibility by people with mobility restrictions), in ways that closely accord with the new provisions of DPC 73, before it sought any building consent (**Submission 122**).
- The Plan Change be modified to allow the Johnsonville Masterplan to be totally redeveloped and extended into a specific (and legally-binding) Design Guide for the whole Johnsonville Centre (**Submission 122**).
- Redevelop the Johnsonville Masterplan so as to require the development of a 24/7-usable public pedestrian thoroughfare through the Johnsonville Shopping Centre from Johnsonville Rd to Moorefield Rd, and the curving re-alignment of Johnsonville Rd to the east so as to create a major pedestrian open space on the west side of the road (**Submission 122**).

##### Discussion

**Submission 96** supported the whole concept of the redevelopment of the Johnsonville Town Centre, as Johnsonville has already become a satellite town of Wellington City and desperately needs upgrading in a manner befitting that role. The support of **submission 96** was accepted by the Committee.

**Submission 122** sought that Council should require DNZ to make significant design improvements to its Johnsonville Shopping Centre redevelopment before it sought any building consent; that the Plan Change be modified to allow the Johnsonville Masterplan to be totally redeveloped and extended into a specific (and legally-binding) document, and that a specific Design Guide be developed for the whole Johnsonville Centre; and that the Johnsonville Masterplan be redeveloped to provide pedestrian thoroughfares and some road realignments.

Council Officers noted that a 10-year resource consent had already been approved for the development of a new shopping mall in Johnsonville and that the Johnsonville Town Centre Plan had already been approved by Council as a non-statutory document. Officers considered that the rules in DPC 73 are considered adequate to manage future development in accordance with the requirements of the RMA. However Officers accepted that the decision of the Town Centre Plan to create a mid-block link through the 'triangle' site would have merit in terms of statutory enforcement through DPC 73. Officers had therefore recommended that a new policy be included in the plan change to encourage this mid-block link to be formed when future opportunities allow. The policy is located in the transportation section of Centres under "Pedestrian network and accessibility" and reads as follows:

**6.2.5.7 Maintain and enhance existing pedestrian accessways and thoroughfares, and where opportunities arise, create new thoroughfares and enhance pedestrian accessibility including in the following locations:**

- **Between Johnsonville Road and Moorefield Road, through the site known as 'The Triangle', and providing public access between the town centre and the Johnsonville railway station.**

*Maintaining existing connections and improving connectivity via new links through larger blocks within a Centre is important to enhance the ability for walkable access to key facilities and to and from a Centre. Improved access can reduce dependence on vehicles, improve safety, and assist with improving legibility and overall amenity. Council will look to achieve new links where appropriate through negotiation as part of a resource consent process.*

*The Johnsonville Town Centre Plan has identified the need for a new mid-block link through the large block known as 'The Triangle', which forms the core of the town centre. This would provide a public access between the main street (Johnsonville Road) and the railway station and Moorefield Road, where there are a number of important community facilities, including the swimming pool and community centre. Whilst there is currently informal access through this block, any substantial redevelopment could block this, and force pedestrians to walk around the entire block to access facilities.*

Officers noted that the road alignment proposed is outside of the scope of this proposed plan change and should be rejected.

**Submitter 122** (Mr Roger Hay) spoke to the hearing on his concerns about disability access and lack of public spaces in the Johnsonville shopping centre. Mr Hay considered that the general proposals for mobility are not adequately pursued in the plan change and that DPC 73 has been notified too late for Johnsonville. Mr Hay also considered that the Johnsonville Town Centre Plan that was adopted by Council in November 2008 is totally inadequate for Johnsonville as the increased height limits indicated in the Plan are not possible due to the Woolworths car park on eastern side of Johnsonville Road. Mr Hay's view was that as nothing has yet been



built at Johnsonville, there is the opportunity to change the design and negotiate with the developers, including creating a link through the triangle site which would create a hub for Johnsonville residents.

**Further submitter 9** (Mr Alistair Aburn on behalf of DNZ Property Group Ltd) spoke to the hearing with regard to the Johnsonville Centre and stated that they opposed the amended Policy 6.2.5.7 regarding the mid-block link through the Johnsonville triangle.

The Committee noted Mr Hay's concerns. Whilst a 10 year consent has been granted for a new mall at Johnsonville there is no assurance that the development, as consented, will proceed. In the event that a new proposal is developed for this site a policy regarding a mid-block access link would be relevant and its application would be appropriate.

### Recommended Decisions

- **Accept** submission 96 insofar as it supported the whole concept of the redevelopment of the Johnsonville Town Centre.
- **Reject** submission 122 insofar as it requested that Council should use its very best endeavours to sought DNZ's agreement to make significant design improvements to its Johnsonville Shopping Centre redevelopment.
- **Reject** submission 122 insofar as The Plan Change be modified to allow the Johnsonville Master plan to be totally redeveloped and extended into a specific (and legally-binding) Design Guide for the whole Johnsonville Centre.
- **Accept** submission 122 insofar as it requested provisions to achieve a public pedestrian thoroughfare through the 'triangle' site from Johnsonville Rd to Moorefield Rd.
- **Reject** the curving re-alignment of Johnsonville Rd to the east so as to create a major pedestrian open space on the west side of the road.

### **4.3.5 Churton Park**

#### Submissions

Specific issues raised in submissions include:

- Amend Rules 7.3.13 and 7.3.13.1, Appendix 1A, and Appendix 4 of the Centres Design Guide to clarify how development in the Churton Park District Centre should be processed as follows:
  - *In 7.3.13.1, after the words "Churton Park District Centre Concept Plan", add the following words "(see Appendix 1A)."*
  - *In the following sentence at the end of rule 7.3.13 "provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs.", delete the last 'and', and following the word 'signs' at the end of the sentence, add the following words "; and Churton Park District Centre standards."*
  - *Delete the existing margin note alongside rule 7.3.13, and replace with the following words "Any subdivision not able to meet the requirements of rule 7.3.13 will default to a non-complying activity".*

- *In the third sentence of Appendix 1A (being the Churton Park District Centre - Concept Plan), delete the words “Discretionary Activity (Unrestricted)” and replace with the words “non-complying activity”.*
- *In the Centres Design Guide – Appendix 4: Churton Park, under the heading “Street Edge”, add the words “and active building edges” at the end of the final sentence in that paragraph.*
- *In the Centres Design Guide - Appendix 4: Churton Park, in the last paragraph under the heading “Buildings”, correct a cross reference to 7.6.5.1.15 so that it refers to “7.6.5.1.14” (**Submission 31**).*

### Discussion

Submission 31 requested that amendments be made to clarify how development (particularly subdivision in Rule 7.3.13) in the Churton Park District Centre should be processed. The provisions for the Concept Plan were originally developed and agreed in Plan Change 60, but have now been incorporated into proposed District Plan Change 73. Amendments are required to clarify the way these provisions were intended to work as set out in Plan Change 60. Of particular note is that a subdivision proposal must also comply with the specific Churton Park development standards (outlined in section 7.6.5 of DPC 73). Failure to meet these standards means the subdivision will be processed as a Non-Complying activity. Three other minor changes are needed to these provisions to clarify the original intent.

The Hearing Committee considered it appropriate to accept this submission to help clarify the provisions applying to Churton Park.

At the hearing, submitter 109 (Claire Bibby on behalf of the Glenside Progressive Association) noted an omission of any acknowledgement from Council Officers of the matters raised on page 2 of their submission. These matters included the request to amend the first sentence in Appendix 4 of the Centres Design Guide relating to Churton Park, to remove the reference to ‘village’ from “Churton Park Village”, and to remove the reference to Glenside, as Churton Park will not provide a centre to Glenside. The submitter asserted that Glenside has its own centre around a garden centre, café, the office of Fletcher Construction, and Office Max Products.

The Hearing Committee reviewed the submission and concurred that Churton Park centre is unlikely to directly serve Glenside. The Committee noted that no other submissions were received with regard to Churton Park, apart from Council’s own submission relating to minor technical matters.

Because the relief sought is of a factual nature and will result in an alteration of minor effect, the Committee considered it appropriate to make these changes under Clause 16(2) of Schedule 1 of the RMA.

### Recommended Decisions

- **Accept** submission 31 insofar as it requested that Rules 7.3.13 and 7.3.13.1, Appendix 1A, and Appendix 4 of the Centres Design Guide be amended to clarify how development in the Churton Park District Centre should be processed.
- **Accept** submission 109 insofar as it requested that Appendix 4 of the Centres Design Guide relating to Churton Park be amended to remove any references to ‘village’ from “Churton Park Village”, and to remove any references to Glenside.

### 4.3.6 Lincolnshire Farm

#### Submissions

Specific issues raised in submissions include:

- Request that ‘employment land’ at Lincolnshire Farm area (Subject to DPC 45) be zoned a mixture of Business 1 and 2 (**Submission 82**).
- Amend Rule 34.3.6 relating to the construction of residential buildings in the Business 1 Area zone as discretionary activities, as follows:
  - After Rule 34.3.6.5, add...
  - *“Except that this rule does not apply to the following:*
  - *Any residential development on land zoned B1 shown in Appendix 4”* (**Submission 82**).
- That Rule 34.1.2 relating to retail activities in the Business 1 Area zone be amended as follows:
  - After bullet point 2 add:
  - *“Except that within the B1 land shown in Appendix 4, the maximum cumulative total GFA shall not exceed 20,000m<sup>2</sup>”* (**Submission 82**).
  - After bullet point 3 add:
  - *Except that within the B1 land shown in Appendix 4, the maximum cumulative total GFA shall not exceed 5,000m<sup>2</sup>”* (**Submission 82**).
- Consequential amendments to the Rules 34.4.3 and 34.4 are also requested to reflect the above. These rules relate to Discretionary Activities (Unrestricted) that exceed the permitted GFA for large format retail and integrated retail development. Consequential amendments to relevant Policies 33.2.2.4 and 33.2.2.5 are also requested (**Submission 82**).
- Amend Table 1 contained within Rule 34.6.2.1.1 relating to building heights to refer to the Lincolnshire Area that has a building height maximum of 15m (**Submission 82**).

#### Discussion

Lincolnshire Farm has a complicated regulatory structure with the introduction of DPC 45 (Urban Development Area & Structure Plans) (subject to appeal) and various individual resource consents in place for some parts of the site. DPC 45 provides for the rezoning of mainly rural land in the northern suburbs to a new Urban Development Area zoning. It includes associated objectives, policies and rules which are all designed to assist the implementation of the Northern Growth Management Framework (NGMF). A Structure Plan is also included for the Lincolnshire Farm area that will be implemented as part of the proposed new Urban Development Area rules.

Council Officers had noted in their recommendations that Lincolnshire Farm was omitted from DPC 73 with a reference to an appeal for part of the site shown on Planning Map 26. This land was previously zoned Suburban Centres but is now identified as Employment 1 & 2 land under DPC 45 that includes amongst other things restrictions on retail use. The appeal relates to the loss of development rights and the fact that earthworks on the site had already undertaken in preparation for a large format retail use.

Officers considered that given that the land in question was specifically excluded from DPC 73, the issues raised in the submission were beyond the scope of DPC 73

and should therefore be rejected. In addition, given the separate plan change process underway and the potential complications that DPC 73 may add to the mix, Officers considered it inappropriate to address concerns raised in the submission until such time as there is greater certainty regarding the settlement of DPC 45 and the current appeal. These issues may be better addressed as a variation to DPC 73. Officers also noted that the proposed provisions raised in the submission would be inconsistent with the provisions of DPC 73 and that there appeared to be insufficient justification for such a variation. Officers also noted that **further submission 18** (New Zealand Transport Agency) opposed this submission with regard to Rule 34.1.2.

Submitter 82 (Rod Halliday on behalf of Hunters Hill Ltd) spoke to the hearing, giving a brief history of the use and development, to date, on the site. Mr Halliday requested that due to a failure by the applicant to gain an earthworks consent from the Greater Wellington Regional Council for the site, submitter 82 now requested that the total area be rezoned to Business 1 (a total of 32 ha), rather than a mix of Business 1 and Business 2. The reasoning Mr Halliday gave for this amendment was due to the history of the site, the proximity of the site to the roading network and transport routes and because significant earthworks had already been undertaken on the site. Mr Halliday also advised that a Business 1 zoning would be appropriate given the prevailing northwest winds, that the site is in close proximity to residential land to the east, and that submitter 82 has little interest in providing for heavier industrial activities on the land.

The Committee requested legal advice regarding whether or not a submission from Hunters Hill Limited was within the scope of proposed Plan Change 73. In summary, the legal opinion received was that:

- (a) Council only has the jurisdiction to grant the relief sought in the Hunters Hill Limited submission if the submission is 'on' Plan Change 73.
- (b) The Hunters Hill Limited submission is not 'on' Plan Change 73 because granting the relief sought and making amendments to Plan Change 73, which in effect varies Plan Change 45, would deprive members of the public from being involved in the process.
- (c) The Hunters Hill Limited submission is not within scope of Plan Change 73 and is therefore not a valid submission.

The Committee expressed sympathy for the submitter, however advised that they were not legally able to turn their attention to the submitter's concerns as the issues raised in the submissions are beyond the scope of DPC 73. The Committee advised that they would have tried to assist the submitter with their concerns were they able to. The Committee notes that the most appropriate forum for some of these issues is via the submitter's own appeal to DPC 45. Once that is resolved, and depending on the outcome the Council may be in a position to consider a variation to DPC 73 regarding the Lincolnshire Farm site.

### Recommended Decisions

- **Reject** submission 82.

## 4.4 ACTIVITIES

### 4.4.1 General

#### Submissions

Specific issues raised in submissions include:

- Retain objectives 6.2.2 and 33.2.2 relating to enabling an appropriate range of activities and their associated policies (**Submission 131**).
- Amend Objective 33.2.2 to consider cross-boundary effects (**Submission 61**).
- Request that the Plan Change reflects and requires assessment of large integrated retail developments against potential impacts on Sub-Regional Centres and the viability and vibrancy of those Sub-Regional Centres (**Submission 110**).
- Amend Policy 6.2.2.2 so that it is consistent with the proposed RPS and so that it reads as follows:
  - *Manage the location and scale of integrated retail developments ~~exceeding 20,000m<sup>2</sup> gross floor area~~, to ensure they will not result in significant cumulative adverse impacts on:*
    - *the viability and vitality of the ~~Golden Mile~~ Central Business District and Regionally Significant Centres; and*
    - *the range of services available to visitors and any resulting loss of economic activity to Wellington; and*
    - *the sustainability of the transport network; ~~and~~*
    - *the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use; and*
    - *the efficient use of existing infrastructure (**Submission 61**).*
- Amend Policy 6.2.2.2 (including the explanatory text) and Rule 7.3.4 to enable Council to consider the effect of large integrated retail developments on the viability and vibrancy of sub-regional centres within the Wellington region as follows:
  - *Manage the location and scale of integrated retail developments exceeding 20,000m<sup>2</sup> gross floor area, to ensure they will not result in significant cumulative adverse impacts on:*
    - *the viability and vitality of the Golden Mile; and*
    - *the viability and vitality of sub-regional centres within the Wellington Region; and*
    - *the range of services available to visitors and any resulting loss of economic activity to Wellington; and*
    - *the sustainability of the transport network; and*
    - *the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use (**Submission 110**).*
- Amend wording of Rule 7.1.1 (bullet point 5) to be consistent with Rule 7.3.4 and so that it reads as follows:

- *integrated retail developments with a cumulative total gross floor area greater than 20,000m<sup>2</sup> (Submission 61).*
- Amend Rule 7.3.4.1 to be consistent with the proposed RPS and to consider cross boundary issues and so that it reads as follows:
  - *The cumulative effect of the development on the viability and vitality of the ~~golden-mile~~ Central Business District and Regionally Significant Centres (Submission 61).*
- Under Policies 33.2.2.4, 33.2.2.5 and 33.2.2.6, remove all the proposed district plan policies clauses and supporting rules/regulation that require new developments to prove they: “will not result in significant adverse cumulative impacts on the viability and vitality...” as a condition for proceeding under the district plan (Submission 119).

### Discussion

**Submission 131** sought retention of Objectives 6.2.2 and 33.2.2 relating to enabling an appropriate range of activities within Centres and Business Areas and associated policies. **Further submission 13** supported submission 131 with regard to Objective 6.2.2. The support of **submission 131** was accepted by the Committee.

**Submission 61** sought a range of amendments to the Centres and Business Areas objectives, policies and rules regarding retail activities, including Objective 33.2.2, Policy 6.2.2.2 and Rule 7.3.4.1. The submission sought that these amendments be made to ensure that cross boundary effects on Regionally Significant Centres located outside of Wellington City are appropriately considered, specifically to enable Council to consider the effects of large integrated retail developments against potential impacts on regionally significant centres and the viability and vibrancy of those.

Similarly, **submission 110** sought amendments to Policy 6.2.2.2 and Rules 7.3.4 and 7.3.4.4. Each of these provisions will be discussed in turn below. **Further submission 9** opposed all points of submissions 61 and 110.

At the hearing, **submitter 61** (Nick Roberts on behalf of Kiwi Property Holdings Limited) raised concerns with regard to Council Officers’ recommendations to reject their submissions. In his opinion, Mr Roberts considered that the proposed RPS provides a clear direction to consider the effects on centres throughout the region. In addition, Mr Roberts considered it important to include the “*efficient use of existing infrastructure*” under Policy 6.2.2.2 as these comprise important physical resources which provide for people’s social and economic wellbeing.

Mr Roberts also considered it important to consider the effects on not only the Golden Mile, but rather the cumulative effect on the viability and vibrancy of the entire Central Business District as well as the Regionally Significant Centres that the discretion should be restricted to.

Mr Roberts also requested that reference be included under Rules 34.4.2 – 34.4.5 to Policy 33.2.1.3 to show what policies (and therefore objective) the rule is intended to act upon.

**Further submitter 9** (Alistair Aburn on behalf of DNZ Property Group Ltd) spoke to the hearing on a range of issues. In relation to cross-boundary issues, the submitter agreed with the Officers’ report to reject submission 61 and 110 with regard to the activities rules as they considered it inappropriate for the District Plan to consider the effects on either Porirua or Hutt City Council.

Council Officers had noted in their S42A report that there is no requirement under Policy 29 of the proposed Regional Policy Statement to specifically consider the

effects of retail activities on other regionally significant centres within the Wellington Region. Officers considered that amending the generic policies 6.2.1.3 and 33.2.1.3 relating to *maintaining and enhancing* the viability and vibrancy of Regionally Significant Centres in the Wellington region, is sufficient to give effect to Policy 29 of the proposed RPS. As already discussed in section 4.2 of this report, the Committee was of the view that Policy 29 of the proposed RPS gives a clear message in terms of not being about directing control of retail development but about promoting growth in the right places and setting out the future aspirations for regionally significant centres within Wellington region.

The Hearing Committee therefore agreed with Officers that it is appropriate to retain the retail objectives, policies and rules in Centres and Business Areas as notified and thus rejected **submissions 61** and **110**.

**Submission 61** also sought an amendment to the wording of Rule 7.1.1 (bullet point 5) to include the word ‘cumulative’ to be consistent with Rule 7.3.4. The Committee considered that this amendment would assist in the interpretation of the rule and therefore accepted this submission.

**Submission 119** sought under Policies 33.2.2.4, 33.2.2.5 and 33.2.2.6, removal of all the proposed district plan policies clauses and supporting rules/regulation that require new developments to prove they: “*will not result in significant adverse cumulative impacts on the viability and vitality...*” as a condition for proceeding under the district plan. The submission asserted that the Council does not have the either the responsibility or the capability to regulate the normal market process, and therefore should not impose its own centres hierarchy that restricts where and when retail businesses can locate. The submission also asserted that the plan change contains rules that specifically protect retailers on the Golden Mile from legal competition, which is specifically prohibited under the Resource Management Act.

At the hearing, **submitter 119** (Tony Randle) raised concerns at proposed controls on retail activities and their effect on centres and residents. Mr Randle was concerned at the undue focus on the ‘Golden Mile’ and protecting the viability and vitality of retail activities on the golden mile against retail activities in other centres. Mr Randle considered that the City should serve the people, and that if a mall is wanted in other centres, then restrictions should not put in place. Mr Randle considered that Johnsonville has lost opportunities for public facilities because the recently granted resource consent for the mall required cutbacks to the mall proposal.

Mr Randle considered that the Johnsonville Mall will enable retail travel mile savings which will be good for the sustainability of the City. He considered that the Council is fixated on high street shopping but shopping indoors is easier and more comfortable for shoppers. Mr Randle considered that the proposed controls will limit opportunities to generate employment in town centres and will force people to travel further to shop.

Council Officers considered that policies and rules in DPC 73, which are aimed at managing retail, do not have the effect of managing trade competition. They achieve management of resource management effects, including such issues as traffic generation, efficient delivery of infrastructure, efficient urban form and a range of other environmental, social and economic effects. As such, they are not contrary to legislation. The Hearing Committee agreed with Officers and thus rejected this submission.

### Recommended Decisions

- **Accept** submission 131 insofar as it requested retention of Objectives 6.2.2 and 33.2.2 and their associated policies.

- **Reject** submission 61 insofar as it sought that Objective 33.2.2 be amended to consider cross-boundary effects.
- **Accept** submission 61 in so far that it sought an amendment to the wording of Rule 7.1.1 (bullet point 5) to include the word ‘cumulative’ to be consistent with Rule 7.3.4
- **Reject** submission 110 insofar that it requested that the Plan Change reflects and requires assessment of large integrated retail developments against potential impacts on Sub-Regional Centres and the viability and vibrancy of those Sub-Regional Centres.
- **Reject** submission 61 insofar as it requested that Policy 6.2.2.2 be amended so that it is consistent with the proposed RPS.
- **Reject** submission 110 insofar as it requested that Policy 6.2.2.2 (including the explanatory text) and Rule 7.3.4 be amended to enable Council to consider the effect of large integrated retail developments on the viability and vibrancy of sub-regional centres within the Wellington region.
- **Accept** submission 61 insofar as it requested that Rule 7.1.1 (bullet point 5) be amended to be consistent with Rule 7.3.4.
- **Reject** submission 61 insofar as it requested that Rule 7.3.4.1 be amended to be consistent with the proposed RPS and to consider cross boundary issues.
- **Reject** submission 119 insofar as it sought that under Policies 33.2.2.4, 33.2.2.5 and 33.2.2.6, remove all the proposed district plan policies clauses and supporting rules/regulation that require new developments to prove they: “*will not result in significant adverse cumulative impacts on the viability and vitality...*” as a condition for proceeding under the district plan.

## 4.4.2 Retail

### 4.4.2.1 General

#### Submissions

Specific issues raised in submissions include:

- Ensure the District Plan properly complies with the RMA that specifically states: “a territorial authority must not have regard to trade competition or the effects of trade competition” RMA 1991 (as at 01 October 2009), Part 5, Section 74 Para 3 (**Submission 119**).
- Increased policy guidance for management of retail activities (**Submission 4**).
- Supports concept of managing the scale and form of retail within each centre (**Submission 110**).
- Rather than protect existing centres from competition from alternative locations would like to see policies that reduce the costs and hurdles faced by existing businesses (**Submission 114**).
- While submission supported the rules contained in previous District Plan Change 66, the submission does not consider that tighter rules than this are necessary to regulate retail (**Submission 114**).



- Supports local retail centres and opposed any proposal to restrict the development of retail precincts in the outer suburbs of Wellington to the benefit of the Golden Mile (**Submission 9**).
- Is totally opposed to the new plan of “integrated retail development” and “retail activity” (**Submission 40**).

### Discussion

**Submission 119** requested that Council ensures that the District Plan properly complies with the RMA that specifically states: “a territorial authority must not have regard to trade competition or the effects of trade competition” RMA 1991 (as at 01 October 2009), Part 5, Section 74 Para 3. As discussed in section 4.4.1 above, policies and rules in DPC 73 aimed at managing retail do not have the effect of managing trade competition. They achieve management of resource management effects, including such issues as traffic generation, efficient delivery of infrastructure, efficient urban form and a range of other environmental, social and economic effects. As such, they are not contrary to legislation. The Hearing Committee therefore rejected this submission.

The support of **submissions 4** and **110** in increased policy guidance for management of retail activities and managing the scale and form of retail within each centre was noted and accepted by the Committee.

**Submission 114** requested that rather than protecting existing centres from competition from alternative location, they would like to see policies that reduce the costs and hurdles faced by existing businesses. **Submission 114** also stated that while they supported the rules contained in previous District Plan Change 66, the submission did not think tighter rules than this are necessary to regulate retail.

Monitoring of the City’s existing Suburban Centres has identified that a potential threat to the long-term viability and vitality of Centres is the increasing pressure for larger scale supermarkets, large format retailing and other shopping destinations to locate in areas outside of Centres. This is of particular concern given that Wellington’s Centres represent a considerable investment in infrastructure, commercial and community services and facilities, and the street and landscape improvements they may contain. Additionally, out of centre retail may generate a range of other adverse effects, not least high levels of traffic generation that will adversely affect the road network.

To ensure that Centres are competitive and vibrant places that people will want to invest their money in, there are few limits on the types of activities that may establish within Centres. Where standards have been set for activities and developments, it is generally to ensure a reasonable level of amenity value is maintained. In such cases where resource consent is required, applications will be assessed for their appropriateness and the ability for any adverse effects to be avoided, remedied or mitigated, including reverse sensitivity effects. The Committee therefore considered that this submission should be rejected.

**Submission 9** supported local retail centres and opposed any proposal to restrict the development of retail precincts in the outer suburbs of Wellington to the benefit of the Golden Mile. This submission is opposed by **further submission 6**. Submission 9 asserted that the Golden Mile should be self sustaining as a retail centre without restricting any potential retail developments elsewhere in the Wellington region. The importance of the Central Area to the economic and social health of the whole region is recognised in the Wellington Regional Strategy and in the Proposed Regional Policy Statement. Council’s policy is therefore to maintain and strengthen the Central Area, and to ensure that it retains its primacy as an

employment and retail centre. Notwithstanding this, Council's recently adopted Centres Policy also aims to maintain and strengthen the City's existing and future suburban centres. The policies and rules do not in themselves restrict retail development, but very large retail developments do require economic impact and transport assessments to better understand their potential impacts. This is prudent management. After careful consideration, the Committee rejected this submission.

**Submission 40** is totally opposed to the new plan of 'integrated retail development' and 'retail activity' however, did not seek any decision from Council. **Further submission 6** opposed this submission. The Committee rejected **submission 40**.

#### Recommended Decisions

- **Reject** submission 119 insofar as it requests that Council ensure the District Plan properly complies with the RMA that specifically states: "a territorial authority must not have regard to trade competition or the effects of trade competition" RMA 1991 (as at 01 October 2009), Part 5, Section 74 Para 3.
- **Accept** submission 110 insofar as it supports concept of managing the scale and form of retail within each centre.
- **Accept** submission 4 insofar as it supports increased policy guidance for management of retail activities.
- **Reject** submission 114 insofar that it requests that rather than protect existing centres from competition from alternative location would like to see policies that reduce the costs and hurdles faced by existing businesses.
- **Reject** submission 114 insofar that while it supports the rules contained in previous District Plan Change 66, the submission does not think tighter rules than this are necessary to regulate retail.
- **Reject** submission 9 insofar that while it supports local retail centres and opposed any proposal to restrict the development of retail precincts in the outer suburbs of Wellington to the benefit of the Golden Mile.
- **Reject** submission 40 insofar as it opposes "integrated retail development" and "retail activity".

#### **4.4.2.2 Definitions**

##### Submissions

Specific issues raised in submissions include:

- Supports definitions of 'integrated retail developments' and 'large format retail' (**Submission 117**).
- Amend definition of 'gross floor area (for the purpose of any retail activity)' to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.5, so that it reads as follows: "*means the total sum of any floor areas cumulative gross floor area of a retail activity or integrated retail development. It does not include...*" (**Submission 61**).
- Amend the definition of 'gross floor area (for the purpose of any retail activity)' by inserting the underlined words, as follows: "*means the total sum of any floor areas of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, shared pedestrian circulation areas and toilet and building maintenance facilities*" (**Submission 78**).

- Amend the definition of ‘gross floor area (for the purpose of any retail activity)’ to specifically exclude non-leasable areas (**Submission 108**).
  - Amend the definition of ‘retail activity’ to specifically exclude ‘building improvement centres’ and ‘yard based suppliers’, as follows:
    - *RETAIL ACTIVITY: means an activity displaying or offering services or goods for the sale or hire to the trade or public and includes but is not limited to integrated retail developments, trade supply retail, ~~yard based suppliers~~, supermarkets, service retail an ancillary retail but does not include building improvement centres and yard based suppliers (**Submission 76**).*
  - Add a new definition to the plan change for ‘building improvement centres’ as follows:
    - *“BUILDING IMPROVEMENT CENTRE: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres, garden centres and outdoor nurseries” (**Submission 76**).*
  - Reinstated the definition of ‘retail activity’ from DPC66 (amended to relate to DPC 73) as follows:
    - *“RETAIL ACTIVITY (FOR THE PURPOSE OF RULE 7.1.1.11 AND RULE 13.6.2.9): means any activity or activities within a building involving the sale of goods, merchandise, equipment to the public, but excludes:
 
      - service stations and motor vehicle service premises
      - takeaway food bars, restaurants, cafes or other eating places
      - office product suppliers
      - second-hand goods
      - yard-based suppliers such as building suppliers, farming, horticultural and agricultural suppliers, garden and landscape suppliers” (**Submission 78**).*
- Change the definition of ‘service retail’ to include service stations, or add a new definition to the plan change for ‘service station’ as follows:
  - *“Service station means any land or building used for the retail sale of motor vehicle fuel, including petrol, LPG, CNG and diesel and may also include one or more of the following:
 
    - (a) The sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles.
    - (b) Mechanical repair and servicing of motor vehicles.
    - (c) Warrant of fitness testing.
    - (d) The sale and or hire of other merchandise or services where this is subordinate to, and part of the same business as the main use of the site” (**Submission 26**).*

## Discussion

**Submission 117** supported definitions of ‘*integrated retail developments*’ and ‘*large format retail*’. The support of **submission 117** was accepted by the Committee.

**Submission 61** sought that the definition of ‘*gross floor area (for the purpose of any retail activity)*’ be amended to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.4 and so that it reads as follows: “*means the total cumulative gross floor area of a retail activity or integrated retail development. It does not include...*”

The definition, as notified, reads as follows:

**GROSS FLOOR AREA (FOR THE PURPOSE OF ANY RETAIL ACTIVITY):** means the total sum of any floor areas of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, and toilet and building maintenance facilities.

The Hearing Committee agreed that it is appropriate to amend the definition to improve interpretation of the provisions (refer following discussion) and resolved to accept this submission. A full description of the new definition is contained on the following page.

**Submission 78** requested that the definition of ‘*gross floor area (for the purpose of any retail activity)*’ be amended to exclude shared pedestrian circulation areas. **Further submission 13** supported this submission.

**Submission 108** requested that the definition of ‘*gross floor area (for the purpose of any retail activity)*’ be amended to specifically exclude non-leasable areas. **Further submission 13** supported this submission.

Officers considered that shared pedestrian circulation areas should not be excluded from the definition, as these areas are integral to integrated retail developments, such as malls, and can readily be used for retail activities, whether they are permanent or temporary in nature. Officers were of the view that integrated retail developments should be considered by their total gross floor area, and should not exclude shared pedestrian areas.

With regard to submission 108, Officers were of the view that the current definition of gross floor area (for the purpose of any retail activity) is sufficient in that it specifically excludes car parking areas, loading and servicing facilities and toilet and building maintenance facilities which are by their nature, also non-leasable areas. Officers also noted that it was unclear from the submission on what was meant by ‘non-leasable areas’.

At the hearing **submitter 78** (Alistair Aburn on behalf of DNZ Property Group Limited) considered that ‘shared pedestrian areas’ are public amenity areas and to include them within the definition of ‘gross floor area (for the purpose of any retail activity)’ could very well result in such areas being ‘minimised’ with a loss of benefit to the public. Mr Aburn advised the Committee that Auckland City Council, Hamilton City Council, Palmerston North City Council and Queenstown-Lakes District Council all excluded pedestrian malls from their definitions of ‘gross floor area’. Mr Aburn also referred to the Christchurch City Council District Plan, which includes a definition of ‘gross leasable floor area’.

Mr Aburn considered that food stalls etc would probably not contribute to the economic impact on the golden mile. Mr Aburn also commented on the number of new retail definitions introduced by DPC 73 – 18 in total.

At the hearing, **submitter 108** (Mike Foster on behalf of Progressives Enterprises Limited) noted that ‘non-leasable areas’ include all the activities listed in the definition, plus public common areas, ramps, access ways, stairs etc (i.e. any space

not available to display goods for sale on or in it). Mr Foster stated that if undercroft parking is to be used, as seems to be encouraged by DPC 73, then the area required for ramps, lifts, stairs, lobbies etc can be quite substantial. Mr Foster considered that further amendment to the definition is therefore justified.

The Hearing Committee carefully considered the issues raised by submitters 78 and 108 and agreed that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to also exclude pedestrian areas and areas not available for lease. The Committee was of the view that these two additions to the definition would be unlikely to create demonstrable distributional effects in Centres and therefore accepted these submissions. The new definition therefore reads as follows:

**GROSS FLOOR AREA (FOR THE PURPOSE OF ANY RETAIL ACTIVITY):** means the total cumulative gross floor area of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, shared pedestrian areas, toilet and building maintenance facilities, and areas not available for lease.

**Submission 76** sought a new definition of ‘*building improvement centres*’ and amendment of the definition of ‘*retail activity*’. This is because activities, such as Bunnings Warehouse and Mitre 10, have evolved over time from a yard-based activity with large amounts of timber product stored outside to indoor building product depots. Furthermore, a number of traditional trade supply categories have been combined under one roof and have been sought to offer the same range of goods and services to the general public. In this regard, the submission argued that a Bunnings operation sits quite differently to either of the “Yard-Based Retail Activities” or “Trade Supply Retail” definitions provided in the plan change. The submission therefore requested a new definition of “Building Improvement Centres” to provide greater clarity and certainty in terms of the type of activities that Council is seeking to limit/restrict from occurring within the Business 1 and 2 Areas. **Further submission 7** supported this submission.

Officers considered that building improvement centres are unlikely to create demonstrable distributional effects in Centres, and therefore could be provided for as permitted activities in Business 1 and Business 2 Areas. Officers recommended adding a new definition for ‘building improvement centres’ (excluding the reference to ‘garden centres and outdoor nurseries’, as these activities are covered by the existing definition of ‘garden and landscaping supplies’) and listing these activities implicitly as permitted activities in Business 1 and Business 2 Areas. The Committee agreed with Officers’ recommendations to include a new definition of ‘building improvement centres’, however wanted the definition amended to also include retail activities selling furniture and furnishings to help clarify that these types of retail activity are appropriate in Business 1 and 2 Areas and are unlikely to create demonstrable distributional effects in Centres. The Committee was also of the view that changing the definition of ‘retail activity’ would have further implications throughout the entire District Plan and therefore did not accept this submission. The amended wording of the definition of ‘building improvement centre’ is as follows:

**BUILDING IMPROVEMENT CENTRE:** means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes, but is not limited to, builders supply and plumbing supply centres, furniture and furnishings, and home and building display centres.

**Submission 78** sought the reinstatement of the definition of ‘*retail activity*’ from Proposed Plan Change 66 (DPC 66) as it considered that this definition is appropriate. At the hearing, Mr Aburn, on behalf of **submitter 78**, advised that it is apparent that the new definition of ‘retail activity’ has moved away from being a definition of retail activity to aid the implementation of the policies and rules that relate to the role and function of centres – i.e. as a definition to aid the measurement

of retail impacts, which was the clear focus of the definition introduced under DPC 66 to something much broader.

Council Officers noted that DPC 66 was withdrawn with the public notification of DPC 73 and that further research and drafting has been carried out since DPC 66 was publicly notified. The proposed definition of 'retail activity' in DPC 73 was intended to be all encompassing and is considered more comprehensive than that in DPC 66. Reinstating the definition from DPC 66 will have subsequent implications for the rest of the chapters in DPC 73, and potentially for the rest of the District Plan and is not supported. The Hearing Committee agreed with Officers and therefore retained the definition of 'retail activity' as publicly notified.

**Submission 26** sought that the definition of 'service retail' be amended to include service stations or that the plan change includes a new definition of 'service station'.

Officers considered that service stations can be appropriate in Centres and in Business 1 and 2 Areas; however Council wants to ensure that particularly within Centres, service stations are designed to establish positive visual effects, create an attractive and legible street environment and acknowledge, respect and reinforce the form and scale of the surrounding environment in which they are located. Officers considered that rather than amending the definition of 'service retail' to include service stations, it would be more appropriate to include service stations in the definition of yard-based retail. Officers also considered it appropriate to take this opportunity to make a minor amendment to the definition of 'yard based retail' to be consistent with other provisions in the Plan Change. The suggested new wording for the definition of 'yard based retail' was as follows:

**YARD BASED RETAILING:** means any retail activity which supplies goods or services primarily from an open or semi-covered yard, and where the yard comprises at least 50% of the total area used for retail activities. This includes but is not limited to: garden centres, service stations, automotive and marine supplies, agricultural supplies, heavy machinery and plant sales.

The Hearing Committee agreed with the Officers' recommendations.

As a result of submissions received from submitter 53 (Takapu Island Developments Limited), the Committee considered it helpful to amend the definition and some of the rules in the Business Areas chapter relating to 'integrated retail developments' as a consequential amendment to clarify the intent of the provisions. This is discussed further in section 4.4.2.4 of this report. The amended wording of the definition of 'integrated retail developments' is as follows:

**INTEGRATED RETAIL DEVELOPMENTS:** means an individual retail development or a collection of any two or more retail activities that are developed and operate as a coherent entity (whether or not the activities are located on separate legal titles), and share one or more of the following:

- servicing and/or loading facilities;
- vehicle and/or pedestrian access;
- car parking;
- public spaces and/or facilities.

This definition includes shopping malls and large-format retail parks, but does not include trade supply retail, wholesale retail, yard-based retail or building improvement centres.

### Recommended Decisions

- **Accept** submission 117 insofar as it supports the definitions of 'integrated retail developments' and 'large format retail'.

- **Accept** submission 61 insofar as it seeks that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.4.
- **Accept** submissions 78 and 108 insofar as they seek that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to exclude shared pedestrian circulation areas and non-leasable areas.
- **Accept in part** submission 76 insofar as it seeks that a new definition of ‘building improvement centre’ be included in the Plan Change, however delete the reference to ‘garden centres and outdoor nurseries’.
- **Reject in part** submission 76 insofar as it seeks that the definition of ‘retail activity’ be amended to exclude building improvement centres and yard based suppliers.
- **Reject** submission 78 insofar as it seeks the reinstatement of the definition of ‘retail activity’ from DPC66.
- **Accept in part** submission 26 insofar as it requests an amendment to the definition of ‘service retail’ to include service stations.
- **Reject** submission 26 insofar as it requests adding a new definition to the plan change for ‘service station’.

#### 4.4.2.3 Centres

##### Submissions

Specific issues raised in submissions include:

- Moderate the introductory text in Section 6.1 that discusses the impact of large scale supermarkets and retailing on the viability and vitality of the city centre. Insert a new policy (located immediately after Policy 6.2.1.2) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible, as follows:
  - Where it can be demonstrated that development of large retail activities, such as supermarkets, is not feasible or practical, and where customer choice of retail offer would be enhanced by increased competition, then such uses will be encouraged to locate in, or close to, the fringe of Wellington's existing centres (Submission 108).
- Delete the term “small” when referring to supermarkets in respect of the listed “District Centres” (Policy 6.2.1.1). This is because it is not appropriate for Council to pre-determine the size of supermarkets. This implies a form of economic planning which is not supported under the RMA. Such decisions should be left to the market to determine, where the market will more accurately take into account the size of supermarket required to serve the catchment of the district centre (**Submission 108**).
- Amend explanatory text to Objective 6.2.2 and Policy 6.2.2.1 by adding a further statement acknowledging the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres as follows:
  - “The Council also acknowledges the important role played by smaller vehicle-oriented retail activities in adding to the diversity of Centres. Whilst growth and intensification is intended to result in a change to the form and function of Centres, it is recognised that this is a gradual process. During such time, vehicle oriented activities will

*continue to have a role particularly where they form part of a vehicle oriented node or are on the fringe of a Centre” (Submission 103).*

- Confirmation of Policy 6.2.2.2 as publicly notified (**Submission 78**).
- Council should carefully consider how Rule 7.3.4.1 will be applied as the submission does not consider it necessary to protect the Golden Mile from outside competition entirely and consideration needs to be given to a number of factors including: its current level of vibrancy and vitality; its location in the central business district; the future projected population growth of the central business district; the historical pattern of development in the central city resulting in limited opportunity of additional retail space (**Submission 55**).
- Delete Rule 7.3.4.2 relating to large integrated retail developments as indicates that Council is going to start determining which business and services should be located in each centre, and Council will refuse applications which results in the loss of business or service Council considered important. This is considered to be excessive and unworkable. It is the function of the market to determine which businesses are present in an area not Council. The general public by their patronage will determine which shops and businesses are viable and those services and business will be represented in centres. However, if a business or service is not viable it will be lost (**Submission 55**).

### Discussion

**Submission 108** requested that Council moderate the introductory text in Section 6.1 that discusses the impact of large scale supermarkets and retailing on the viability and vitality of the city centre as the submission asserts that the claim that large scale supermarkets locating outside of the City’s traditional centres are a threat to the viability and vitality of Centres is potentially overstated. In addition, the submission requested that Council insert a new policy (located immediately after Policy 6.2.1.2) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible. The submission asserted that the new policy will provide a better balance so that such development can still locate close to centres, particularly when it is not feasible or practical to locate in the centre; and that it will continue to reinforce the retail hierarchy approach of the Plan Change, by emphasising that fringe-of-centre locations are preferable in instances where in-centre locations are not possible.

Officers agreed that anchor stores, such as supermarkets, play a critical role in the wellbeing of urban centres. As large stores generate a high number of customers, such stores are instrumental in attracting people and thereby influencing the vibrancy and vitality of centres and the viability of smaller retailers. Within centres they are also able to be effectively accessed by a variety of transport modes, whereas in an out of centre location they will tend to be vehicle dominated, which can lead to adverse transport impacts. In addition, it is also imperative that these buildings and the spaces around them are well designed and attractive places for people to be in. A well designed anchor store that responds well to the public space can set the benchmark in influencing the design and appearance of other smaller retailers and this why design guidance is so important.

At the hearing, Mike Foster on behalf of **submitter 108** (Progressive Enterprises Ltd) stated that he thought this reasoning to be seriously flawed because it does not recognise the real challenge in assembling suitable sites of a suitable size in centres, particularly where multiple titles are involved. On occasion, some encroachment of



non-residential activities into a residential or Business 1 or 2 Area is inevitable. Mr Foster stated that such expansion/encroachment of retailing is commonplace as centres evolve and expand, and that there is nothing wrong with this happening if the appropriate consent mechanism is used. Mr Foster was of the view that the proposed DPC 73 rules for retailing in Centres are effectively ‘straight jacketing’ further development on the edge of Wellington’s centres, which he considered to be a form of retail licensing.

The Hearing Committee considered that the proposed additional policy requested by the submitter is unnecessary, as the Centres zone already incorporates both the ‘core’ of the Centre and its fringe. In most cases in Wellington, the area immediately beyond the Centres zone is zoned Residential and contains predominately residential buildings. A supermarket would be inappropriate in this location. The Committee noted that a number of residential sites are proposed to be rezoned to centres, particularly on the edge of the centre to promote redevelopment opportunities and retail expansion. An example of this is at Karori Town Centre.

**Submission 108** requested the deletion of the term “small” when referring to supermarkets in respect of the listed “District Centres” in Policy 6.2.1.1. **Further submission 13** opposed this submission. Whilst there are no policies or rules which restrict the size of supermarkets in these centres, the wording in the policy is reflective of the current situation, and the deletion of the word ‘small’ could appropriately reflect future development. As such, the Hearing Committee decided to delete the word “small” from Policy 6.2.1.1 as requested.

**Submission 103** sought an amendment to the explanatory text to Objective 6.2.2 and Policy 6.2.2.1 by adding a further statement acknowledging the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres.

Officers considered that this additional statement is unnecessary as a whole host of activities make up a Centre; it is unnecessary to list them all.

At the hearing, Jenny Hudson on behalf of **submitter 103** (McDonald’s Restaurants Limited) raised concerns of the strong emphasis throughout the plan change on the intensification and pedestrianisation of Centres and increasing reliance on public transport. Whilst Ms Hudson acknowledged that the Officers’ report contained recommendations that, if adopted, will address some submission points, she was of the view that the plan change does not attempt to deal with how supermarkets and smaller car-based activities should be accommodated in locations that may be appropriate.

The Hearing Committee agreed with the Officers’ recommendations as clearly Objective 6.2.1 and Policy 6.2.2.1 have been written to enable a wide range of activities. Policy 6.2.2.2 and associated rules exist to manage large integrated retail developments which have the potential to generate adverse effects. The Committee was of the view that rather than having an issue with the ‘activity’ provisions, the main concerns of this submitter (and other submitters associated with vehicle orientating retailing activities) were largely to do with the urban design provisions, namely the standards relating to street frontages, verandahs etc. In this regard, policy changes have been made to Policies 6.2.3.3-5 to acknowledge that in some cases, vehicle orientated activities may have difficulty in meeting some of the urban design principles. This is further discussed in section 4.5 of this report.

However, specifically concerning submission 103’s request that Objective 6.2.2 and Policy 6.2.2.1 further acknowledge the role played by smaller vehicle-oriented activities in Centres, the Hearing Committee decided that given the changes made elsewhere they did not support this submission.

**Submission 78** sought confirmation of Policy 6.2.2.2 as publicly notified. The support of **submission 78** was noted and accepted by the Committee.

**Submission 55** requested that Council should carefully consider how Rule 7.3.4.1, relating to large integrated retail developments, will be applied. The application of this rule was carefully considered in its drafting. The rule strikes an appropriate balance by ensuring that only very large integrated retail developments are assessed for their potential impact. **Submission 55** also requested the deletion of Rule 7.3.4.2 relating to large integrated retail developments. **Further submission 6** opposed this submission, while **further submission 13** supported this submission.

Officers did not agree with this submission as out-of-centre retailing was identified as a key issue that needs to be better managed. Any changes to the retail rules may potentially undermine the role and function of Centres and Council's and the community's investment in infrastructure and community services and facilities and management of the traffic network. The proposed rules only require that consent is to be gained. The Hearing Committee carefully considered this submission and agreed with the Officers that it would be appropriate to reject this submission.

#### Recommended Decisions

- **Accept in part** submission 108 insofar as it requested that Council moderate the introductory text in Section 6.1 that discusses the impact of large scale supermarkets and retailing on the viability and vitality of the city centre.
- **Reject** submission 108 insofar as it requested that Council insert a new policy (located immediately after Policy 6.2.1.2) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible.
- **Accept** submission 108 insofar as it requested the deletion of the term "small" when referring to supermarkets in respect of the listed "District Centres" (Policy 6.2.1.1).
- **Reject** submission 103 insofar as it requested that Objective 6.2.2 and Policy 6.2.2.1 be amended by adding a further statement acknowledging the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres.
- **Accept** submission 78 insofar as it requested confirmation of Policy 6.2.2.2 as publicly notified.
- **Reject** submission 55 insofar as it requested that Council should carefully consider how Rule 7.3.4.1 will be applied.
- **Reject** submission 55 insofar as it requested that Rule 7.3.4.2 relating to large integrated retail developments be deleted.

#### **4.4.2.4 Business Areas**

##### Submissions

Specific issues raised in submissions include:

- Insert a new policy (located immediately after Policy 33.2.1.3) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible (**Submission 108**).
- Amend Policy 33.2.2.4 to add word "significantly" to third bullet point (**Submission 108**).

- Extend the retail activities permitted in Business 2 Areas to include service stations (with an appropriate definition included in the Plan) (Policy 33.2.2.6, Rule 34.1.3, Standard 34.6.1.14.1); or change the definition of service retail to include service stations (**Submission 26**).
- Support explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas (**Submission 108**).
- Amend Policy 33.2.2.5 to recognise the existing DressSmart development at 24 Main Road, Tawa (**Submission 54**).
- Amend Policy 33.2.2.6 to include ‘building improvement centres’ and amend Rule 34.1.3 to confirm that ‘building improvement centres’ are permitted within the Business 2 Areas (**Submission 76**).
- Support Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which require large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities (**Submission 117**).
- Amend Rule 34.4.2 so that supermarkets locating in Business 1 Areas with a GFA of more than 1,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities) (**Submission 108**).
- Amend Rule 34.4.4 so that integrated retail developments locating in Business 1 Areas with a GFA of more than 2,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities) (**Submission 108**).
- That the proposed provisions of DPC 73 that support large format retail being developed on Takapu Island be adopted, but that changes be made to the provisions of DPC 73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the site known as Takapu Island (3 Main Road, Tawa) (**Submission 53**).
- That Council adopt the provisions of DPC 73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity (**Submission 84**).
- Amend the rules in Chapter 34 to clearly exclude only those activities which are demonstrably incompatible with the Business 2 Area zoning, or which would demonstrably affect the viability and vitality of other identified centres (**Submission 57**).
- Reclassify those retail activities that are not permitted activities within the Business 2 Areas from non-complying activities to restricted discretionary activities (**Submission 57**).

### Discussion

**Submission 108** requested that a new policy (located immediately after Policy 33.2.1.3) be added that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible. The suggested wording is as follows:

*“Where it can be demonstrated that development of large retail activities, such as supermarkets, is not feasible or practical, and where customer choice of retail offer would be enhanced by increased competition, then such uses will be encouraged to locate in, or close to, the fringe of Wellington’s existing centres.”*

**Further submission 14** supported this submission.

Council Officers considered that the proposed additional policy is unnecessary as the Centres zone already incorporates both the ‘core’ of the Centre and its fringe. In most cases in Wellington, the area immediately beyond the Centres zone is zoned Residential and contains predominately residential buildings. Business Areas are not ‘fringe’ areas to centres and serve a different purpose. A supermarket may well be inappropriate in these locations. Analysis of the areas proposed to be zoned Centres found that there was sufficient scope to locate supermarket uses within them and that this is the preferable location.

As discussed in section 4.4.2.3 of this report, Mike Foster on behalf of **submitter 108** stated at the hearing that he thought this reasoning to be seriously flawed because it does not recognise the real challenge in assembling suitable sites of a suitable size in centres, particularly where multiple titles are involved.

In evidence tabled at the hearing, **submitter 54** (Armstrong Jones Management PTY Limited) advised that they considered that the additional policy adds a degree of policy clarity, however considered that it best relates to Objective 33.2.2, as a further limb to Policy 33.2.2.5, rather than a standalone policy.

After careful consideration, the Hearing Committee agreed with Council Officers and rejected submission 108.

**Submission 108** sought that the word “*significantly*” be added to the third bullet point of Policy 33.2.2.4. Policy seeks to control the establishment of large integrated retail developments and large supermarket developments in Business 1 Areas. The Hearing Committee agreed with this part of submission 108 was consistent with bullet points 1, 2, 4 and 5 of Policy 33.2.2.4 and it was agreed that the third bullet point be amended as follows:

- will not significantly undermine existing investment in infrastructure (including water, stormwater, sanitary sewer, roads and footpaths, and community facilities) in the Golden Mile or any Sub-Regional, Town or District Centre; and

**Submission 26** requested that the retail activities permitted in Business 2 Areas be extended to include service stations (with an appropriate definition included in the Plan) (Policy 33.2.2.6, Rule 34.1.3, Standard 34.6.1.14.1). Alternatively, the submission sought that the definition of service retail be amended to include service stations.

The Committee noted that service stations can locate appropriately within Business 1 and 2 Areas, however rather than amending the definition of ‘service retail’ to include service stations, the Committee considered it would be more appropriate to include service stations in the definition of yard-based retail. The suggested new wording for the definition of ‘yard based retail’ is as follows:

**YARD BASED RETAILING:** means any retail activity which supplies goods or services primarily from an open or semi-covered yard, and where the yard comprises at least 50% of the total area used for retail activities. This includes but is not limited to: garden centres, service stations, automotive and marine supplies, agricultural supplies, heavy machinery and plant sales.

**Submission 108** supported the explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas. This support was noted and accepted by the Committee.

**Submission 54** opposed the plan change in that it does not recognise the existing DressSmart development at 24 Main Road, Tawa as a resource for the community without compromising the vibrancy or viability of existing town centres, and as such requested an amendment to Policy 33.2.2.5 to recognise the DressSmart development.

Officers considered it unnecessary to include additional text as the development is already there and has existing use rights. Council will still want to manage any future development in Tawa South however, in line with all other areas. For this reason, the Hearing Committee agreed with Officers and rejected this submission.

**Submission 76** sought the amendment of Policy 33.2.2.6 to include 'building improvement centres' and amend Rule 34.1.3 to confirm that 'building improvement centres' are permitted within the Business 2 Areas. **Further submission 7** supported this submission. These types of retail activities are provided for as permitted activities within the Business 2 Areas therefore this submission was accepted by the Committee. The Committee also agreed that Rules 34.1.2 and 34.4.3 should be amended to clarify that these activities are provided for in Business 1 Areas. The changes to Policy 33.2.2.6 is as follows:

**33.2.2.1 Restrict the establishment of all retail activities in Business 2 Areas to:**

- **trade supply retail**
- **wholesalers**
- **building improvement centres**
- **service retail**
- **ancillary retail, and**
- **yard-based retail activities**
- **in order to maintain industrial land availability and the viability and vitality of Centres.**

The words "building improvement centres" have also been added to the Rules 34.1.2, 34.1.3 and 34.4.3. Refer to annotated Business Area Chapter 34.

**Submission 117** supported Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which requires large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities. The support of **submission 117** was noted and accepted by the Committee.

**Submission 108** requested that the activity status of Rules 34.4.2 and 34.4.4 be changed to discretionary (restricted) activities (rather than discretionary (unrestricted) activities). **Further submission 14** supported this submission. Similarly, **submission 57** sought to reclassify those retail activities that are not permitted activities within the Business 2 Areas from non-complying activities to restricted discretionary activities.

**Submission 57** also requested an amendment to the rules in Chapter 34 to clearly exclude only those activities which are demonstrably incompatible with the Business 2 Area zoning, or which would demonstrably affect the viability and vitality of other identified centres.

Retail activities have the potential to affect sustainable land use patterns and compact form of the City, and generate significant adverse effects on roading and other infrastructural investments. The proposed provisions only seek to manage those types of retail activities that have the potential to undermine Centres, disrupt the compact urban form of the City or generate significant adverse effects on infrastructure, being large supermarkets and large integrated retail developments.

Large supermarkets and large integrated retail developments establishing out of centre have the potential to generate significant adverse effects on existing centres. These retail activities above the set thresholds will be required to provide an economic assessment and traffic/roading assessment. In addition, retail activities establishing in out-of-centre locations have been identified as one of the lead causes for eroding the industrial land base of the city. The proposed provisions seek to discourage most mainstream retail activities from the Business 2 areas, allowing only those retail activities that support industrial activities. The Committee therefore

considered it appropriate to retain the discretionary (unrestricted) activity status for supermarkets larger than 1500m<sup>2</sup> and integrated retail developments larger than 2500m<sup>2</sup> in Business 1 Areas; and also retain the default non-complying activity status for most retail activities in Business 2 Areas. This provides clearer guidance to developers on the appropriate location of these activities.

**Submission 53** supported the provisions in DPC 73 that relate to large format retail being developed on Takapu Island, but requested that changes be made to the provisions of DPC 73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the Takapu Island site. **Further submissions 13 and 18** opposed this submission.

Out-of-centre retailing has been identified as a key issue that needs to be better managed, in particular Tawa South and Takapu Island were identified as having a greater potential risk of adversely affecting the viability and vibrancy of the Tawa Town Centre, should a number of small-scale retail outlets or a key anchor such as a supermarket establish there. Any changes to the retail rules at Takapu Island therefore may potentially undermine the role and function and the convenience-based retail of Tawa Town Centre and Council's and the community's investment in infrastructure and community services and facilities.

At the hearing, **submitter 53** (Ian Leary on behalf of Takapu Island Development Ltd) presented a background to Takapu Island, including the resolution of an appeal on private plan change (DPC 47) which resulted in Appendix 8 to the operative District Plan, covering provisions regarding Takapu Island.

Mr Leary considered that Officers had not appropriately considered the amount of retail activity that has already been substantially approved on Takapu Island under Appendix 8 of the operative District Plan, nor recognised the amount of investment in infrastructure made by TIDL in roading and the fact that in order for the site to have value to the owners, a certain degree of retail will be required to enable a return to be realised.

Mr Leary advised the hearing that, in his view, Council Officers had not properly assessed the effects of large format retail on town centres and their viewpoint should be disregarded on the basis of the clear and obvious evidence available to support such a view. Mr Leary's view was that rules which discourage large format retailers and supermarkets from establishing on available sites outside of Centres results in competition being avoided and monopoly behaviour being established.

Mr Leary pointed out that it was not clear from the proposed provisions that retail activities would be permitted on the site. Mr Leary advised the Committee that the submitter was not necessarily requesting that the rules in Appendix 8 be applied to the Takapu Island site, as the layout reflects a development concept that is unlikely to be proceeded with. However, the Committee noted that both further submitters 13 and 18 clarified that whilst they were opposed, to the alterations to retailing activity thresholds, that the Submitter 53 was requesting for Business 1 Area zoning they would be agree to the provisions of Appendix 8 (DPC 47) being applied to the Takapu Island site. The Committee did not accept that the case had been advanced for changed to the retail thresholds in the Business 1 Area zone to be applied solely to Takapu Island, the issue therefore distilled to whether to apply the Business 1 zoning the provisions of DPC 47. Accordingly, the Committee requested clarification from the submitter on their preferred set of provisions for Takapu Island, being either the retail controls contained in DPC 73 or the rules agreed under Plan Change 47 provisions (i.e. Appendix 8).

The Committee found the response from Mr Leary to not be particularly helpful and thus decided to proceed with the proposed Business 1 Area zoning for Takapu Island, as it considered that the proposed rules under DPC 73 would allow the submitter to

undertake a wide range of activities, including retail activities, without undue restriction. The Committee noted that their amendments to the new definition of 'building improvement centre', as discussed in section 4.4.2.2 of this report and amendments to Rule 34.1.2 and consequentially Rules 34.4.3 and 34.4.4 as shown below, should help clarify what is permitted in Business 1 Areas:

**34.1.2 In Business 1 Areas, all retail activities, are a Permitted Activity provided that they comply with the standards specified in section 34.6.1 (activities), except:**

- **supermarkets with a gross floor area exceeding 1,500m<sup>2</sup> (see Rule 34.4.2)**
- ~~integrated retail developments comprising large format retail activities, apart from trade supply, wholesalers and yard-based retail, with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> (see Rule 34.4.3)~~
- ~~integrated retail developments comprising any other retail activity apart from large format retail activities with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> (see Rule 34.4.4)~~
- **integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> (see Rule 34.4.3)**
- **integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> (see Rule 34.4.4)**
- **in Tawa South and Takapu Island, retail activities that do not comply with standard 34.6.1.14.1 (see Rule 34.4.5)**

*Retail activities, supermarkets, and integrated retail developments are defined in Chapter 3.10.*

*Note that trade supply, wholesalers and yard-based retail are permitted activities.*

**~~34.4.3 Integrated retail developments comprising large format retail activities, apart from trade supply, wholesalers, building improvement centres, and yard-based retail, in Business 1 Areas with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> are a Discretionary Activity (Unrestricted).~~**

**Integrated retail developments comprising large format retail activities (i.e. any individual activity exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 10,000m<sup>2</sup> are a Discretionary Activity (Unrestricted).**

*Integrated retail developments and large format retail activities are defined in Chapter 3.10.*

~~34.4.4 Integrated retail developments comprising any other retail activity apart from large format retail activities in Business 1 Areas with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> are a Discretionary Activity (Unrestricted).~~

*Integrated retail developments and large format retail activities are defined in Chapter 3.10.*

Integrated retail developments that are not large format retail activities (i.e. any individual activity not exceeding 450m<sup>2</sup>) with a cumulative total gross floor area exceeding 2,500m<sup>2</sup> are a Discretionary Activity (Unrestricted).

**Submission 84** sought that Council adopt the provisions of DPC 73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity. This submission was accepted by the Committee.

#### Recommended Decisions

- **Reject** submission 108 insofar as it sought that a new policy be inserted (located immediately after Policy 33.2.1.3) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible.
- **Accept** submission 108 insofar as it sought that the word “significantly” be added to the third bullet point of Policy 33.2.2.4.
- **Accept in part** submission 26 insofar as it requested that the retail activities permitted in Business 2 Areas be extended to include service stations.
- **Accept** submission 108 insofar as it supported the explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas.
- **Reject** submission 54 insofar as it sought that Policy 33.2.2.5 be amended to recognise the existing DressSmart development at 24 Main Road, Tawa.
- **Accept** submission 76 insofar as it sought that Policy 33.2.2.6 be amended to include ‘building improvement centres’ and amend Rule 34.1.3 to confirm that ‘building improvement centres’ are permitted within the Business 2 Areas, and Rules 34.1.2 and 34.4.3 to confirm that ‘building improvement centres’ are permitted within the Business 1 Areas.
- **Accept** submission 117 insofar as it supported Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which requires large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities.
- **Reject** submission 108 insofar as it sought that Rule 34.4.2 be amended so that supermarkets locating in Business 1 Areas with a GFA of more than 1,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities).
- **Reject** submission 108 insofar as it sought that Rule 34.4.4 be amended so that integrated retail developments locating in Business 1 Areas with a GFA of more than 2,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities).



- **Reject** submission 57 insofar as it sought that Council reclassify those retail activities that are not permitted activities within the Business 2 Areas from non-complying activities to restricted discretionary activities.
- **Reject** submission 53 insofar as it sought that Council adopt the proposed provisions of DPC 73 that support large format retail being developed on Takapu Island, but that changes be made to the provisions of DPC 73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the site known as Takapu Island (3 Main Road, Tawa).
- **Accept** submission 84 insofar as it sought that Council adopt the provisions of DPC 73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity.

#### **4.4.3 Residential activities**

##### Submissions

Specific issues raised in submissions include:

- Adopt Policies 6.2.3.6 and 6.2.3.7, which enable residential activities to locate in Centres, and the rules which implement them as proposed (**Submission 103**).
- Adopt Policy 33.2.2.10, which enables residential activities to locate in Business 1 Areas, so long as they do not constrain established or permitted activities from reverse sensitivity through noise, and Rules 34.3.6 and 34.3.7 as proposed (**Submission 103**).
- Amend Rule 34.3.5.6 to read: “34.3.5.6 site landscaping” (**Submission 31**).
- Amend wording at bottom of Rule 34.3.5 to clarify that Rule 34.3.5 does not apply to any activity that includes residential activities (**Submission 31**).
- Amend Rule 34.3.6 to widen the matters over which Council has restricted its discretion to (**Submission 31**).

##### Discussion

The Hearing Committee considered it appropriate to accept **Submission 31** which sought minor amendments to the rules relating to residential activities within Business Areas, as they considered that the amendments will provide consistency with other rules in the chapter, and will provide clarity on when the rules are to be applied.

The support of **submission 103** was accepted by the Committee.

##### Recommended Decisions

- **Accept** submission 103 insofar as it supports Policies 6.2.3.6, 6.2.3.7 and 33.2.2.10, and Rules 34.3.6 and 34.3.7.
- **Accept** submission 31 insofar as it seeks to amend Rules 34.3.5.6, 34.3.5 and 34.3.6.

## 4.5 URBAN DESIGN

### 4.5.1 General

#### Submissions

Specific issues raised in submissions include:

- Support for increased policy guidance for urban design (**Submission 4**).
- Accurate drawings showing design and scale of any approved new building should be displayed for any consented development site (**Submission 9**).
- Any new developments at Rongotai South should harmonise to mask inevitable bulk (**Submission 9**).
- Establish a Community Consultative Committee to mirror the work of the Technical Advisory Group with regard to building design (**Submission 9**).
- Specify that Rule 7.3.6.1 does not apply to service stations (**Submission 26**).
- Under Objective 6.2.3 include a new policy that provides for the location of service stations and other vehicle-oriented activities at the edge of centres (**Submission 26**).
- Opposes Rule 7.3.6 as the matters Council has restricted its discretion to are so numerous and broad in scope that it appears to be no matter that Council cannot consider (**Submission 55**).
- Amend the fifth bullet point of Rule 34.1.6 regarding new buildings within Business 2 Areas that are adjacent to Residential Areas to read as follows:

*“the construction of, or addition to, buildings and structures in Business 2 Areas with a gross floor area exceeding 4000m<sup>2</sup> and located on a site ~~adjacent to~~ adjoining or abutting ~~a Residential Area~~ or a state highway (see Rule 34.3.8)”*

Amend Rule 34.3.8 regarding new buildings within Business 2 Areas that are adjacent to Residential Areas to read as follows:

*The construction of, or addition to, buildings and structures in Business 2 Areas resulting in a total gross floor area exceeding 4000m<sup>2</sup>, and located on a site ~~adjacent to~~ adjoining or abutting ~~a Residential Area~~ or a state highway are Discretionary Activities (Restricted) in respect of...”* (**Submission 76**).

- Amend Rule 34.3.5 to recognise the use and location of a particular site with respect to whether an urban design assessment will be required for new buildings in Business 1 Areas (**Submission 76**).
- Objectives 6.2.3 and 33.2.4 – Built development, urban form and public space and associated policies 6.2.3.1 and 33.2.4.1 are retained as notified (**Submission 83**).
- The submission supported the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area (**Submission 83**).
- That Council strengthen the zone interface policies rules to ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas (**Submission 93**).

- Include a process to explain how Council or developers will recognise streets that have significant character when requiring streetscape appraisals for applications that are to be assessed against a Design Guide (**Submission 109**).
- Retain objectives 6.2.3 and 33.2.4, relating to the built environment, urban form and public space, and their associated policies (**Submission 131**).

### Discussion

The support of **submitter 4 (Dale Mary McTavish)** for increased policy guidance for urban design was noted and accepted by the Hearing Committee.

**Submitter 9 (Rosamund Averton)** requested in her written submission that accurate drawings showing design and scale of any approved new building should be displayed for any consented development site. Given the logistics and costs involved in this request and that the matter was beyond the scope of the plan change, the Hearing Committee was not supportive of this part of this submission.

**Submitter 9** also sought in her submission that any new developments at Rongotai South should harmonise to mask inevitable bulk. Ms Averton also specifically discussed this in her evidence presented at the hearing. Ms Averton was of the view that more scope should be provided in the District Plan to consider amenity and aesthetics for new development, particularly in the Rongotai South area.

The Hearing Committee agreed with the submitter that bulky buildings should be designed to minimise their impact on the surrounding areas and noted that considerable work has gone into the drafting of the Centres and Business Area Design Guides to ensure aspects of amenity and aesthetics are given proper consideration.

Specifically considering the Rongotai South area, the Committee was of the firm view that the area is currently underutilised and that it offers redevelopment opportunities that could benefit the city as a whole. The Committee's opinion was based on the area's strong relationship with Lyall Parade and the coastal edge. The Committee considered that the southern part of the area could be positively redeveloped to allow for a mix of uses and recreational experiences. With this in mind, the Committee have specifically considered the potential height of new buildings facing the Parade and how this impacts on the appearance and character of the area. Additional height has been allowed at the southern end of Rongotai South, as requested (in part) by submitter 85 (this request was not opposed by any further submitters) This issue has been discussed in further detail in section 4.3.2 of this Decision Report. In the meantime the decision on submission 9 is to accept in part the request, insofar that it seeks to ensure that any new developments at Rongotai South should harmonise to mask inevitable bulk.

The Committee also noted that **Submitter 9's** suggestions of landscaping or the use of murals are all relief techniques that can be applied through the Design Guides if necessary. The Committee was of the view that **submission 9** be accepted in this regard.

**Submitter 9** also sought that Council establish a Community Consultative Committee to mirror the work of the Technical Advisory Group (on waterfront issues) with regard to building design. Ms Averton also discussed this in her evidence presented to the hearing and felt that more focus should be given to the "fit" of a development in an established setting, rather than the "process" it is assessed under.

The Hearing Committee felt that the RMA resource consent process and other non-statutory methods employed by Council provided suitable framework for community

consultation for new development. Therefore, the Committee did not support the establishment of the submitter's suggested Community Consultative Committee.

In their written submission, **Submitter 26 (Shell New Zealand Ltd – now Greenstone Energy Limited)** sought that under Objective 6.2.3 a new policy be included to provide for the location of service stations and other vehicle-oriented activities at the edge of centres. In addition, **Submission 26** submitted that Rule 7.3.6.1 should not apply to service stations. The submission stated that while the proposed plan change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then placed severe constraints on the ability of a service station to meet these standards. The submission considered that the plan change has not adequately taken into account the role that service stations play in Centres.

At the hearing, Submitter 26's planner, Keith Cullum, contended that the Plan Change was discriminatory towards service stations because they were unable to meet the constraints of an arbitrarily defined "ideal streetscape". Mr Cullum was of the opinion that the resource consent process would create too many hoops for service stations to go through. Mr Cullum did not agree with the Officers' recommendation not to include a new policy to provide for the location of service stations and other vehicle-oriented activities at the edge of centres under Objective 6.2.3. He also considered that the Officers' changes to the explanation of policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 were negative towards vehicle orientated uses. Specifically, Mr Cullum felt that following Officers' recommended amended explanation wording was negative:

*However, it is acknowledged that some activities, especially those dominated by vehicular activities such as service stations and drive through restaurants, may be required to locate into specific sites to enable compliance with these policies.*

In its place, Mr Cullum suggested the following wording to the Hearing Committee:

*That some retail activities, including vehicle-oriented activities have design constraints that do not enable full compliance with these policies.*

The Hearing Committee had sympathy for the points that Mr Cullum raised in the written submission and at the hearing and acknowledged that there was often a tension between standard company model fit and the Council's urban design objectives and policies.

The Committee agreed that service stations are a valued urban activity and play an important role in the community. Nevertheless, the Committee felt that the standard service station model fit may not always be compatible with urban design requirements "core" retail areas (i.e. primary street frontages). The Committee was of the firm view that there should be no presumption by vehicle-orientated activities that a standard use of company design, layout and branding should override key urban design and character considerations for Wellington city. On this point, the Committee discussed overseas examples where the standard model layout had been adapted to acknowledge important heritage and conservation requirements of the surrounding area.

However, the Hearing Committee did acknowledge that there is a distinct difference between already established vehicle-orientated activities and those that are newly proposed in a Centre. The Committee noted that already established sites often have historical reasons why they have been developed in a certain way (e.g. large forecourt areas to the street edge which may have once accommodated other services such as tyre fitting, mechanics, vehicle parking etc). The Committee accepted this form development pattern was apparent in Wellington, but did not believe that this meant

future upgrades, especially if located on primary frontages, should be exempt from improving the urban design qualities of the spaces.

On this point, the Committee noted that it would be difficult to conceive that any new service station or other vehicle orientated activity would not, at least in some aspect, require resource consent. The Committee acknowledged the importance of vehicle orientated activities and the tension between providing for them, but decided that these were issues that were best judged on their merits and resolved through the resource consent process. To help with the resource consent assessment process, changes have been made to the explanations of Policies 6.2.33, 6.2.34 and 6.2.35. These changes are shown following the preceding paragraph.

Mr Cullum also conveyed that greater recognition could be given to the point that service stations are often located in “fringe” retail spaces (e.g. secondary street frontages) and may not warrant the same level of urban design scrutiny. The Committee were in agreement that improvements could be made to the policy interpretation in this regard. Fundamentally however, the Committee was of the view that Policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 were robust and justified and did not need amending. However, the following changes have been made to the explanation to help provide better recognition for vehicle-orientated activities such as service stations and drive-through restaurants, especially when they are situations in fringe locations:

- 6.2.3.3**        **Maintain or enhance the street edge along identified primary and secondary street frontages.**
- 6.2.3.4**        **Maintain or enhance the streetscape by controlling the appearance of and/or limiting the creation of vacant land, or open land and ground level parking areas on identified primary and secondary streets frontages.**
- 6.2.3.5**        **Maintain or enhance the streetscape by controlling the siting and design of structures on or over roads.**

*Street edges and the buildings and activities that front them play a particularly important role in the urban fabric of Centres. Therefore specific standards have been put in place that require particular attention to this interface. Primary and secondary street frontages have been identified within Centres with the aim of ensuring that they place visible publicly-relevant activities at the edges of buildings to help communicate how the building is being used and occupied.*

*The creation of vacant space, gaps in the streetscape or parking areas at street level on identified primary and secondary street frontages is considered to have a detrimental effect on the amenity and streetscape of the city. These effects include:*

- *the loss of vitality and viability, particularly in the main retail or commercial areas; and*
- *the erosion of streetscape.*

*The Plan seeks to avoid such outcomes within Centres. It is Council’s view that the characteristic pattern of these areas should be maintained by ensuring that existing retail frontages are retained. ~~Change may be brought about as part of master planning, structure planning and concept planning exercises.~~ However, it is acknowledged that some activities, including vehicle-orientated activities such as service stations and drive through restaurants, may have difficulty in complying with these policies. It may be preferable for new activities of this type to locate on the fringe of a Centre to allow for an integrated setback if this is essential to the function of a facility.*

*It is also acknowledged that within the primary and secondary frontages there are a number of existing activities that are set back and not built directly to the street edge. When assessing such sites, Council will consider how the activity integrates with the street edge. Setbacks may*

continue to be appropriate if it can be demonstrated that the proposal will not detract from the visual qualities of the streetscape. Council will seek to ensure that any new proposals continue to reinforce the street grid and common alignment.

*Display windows and verandahs are considered important along shopping streets and those that have a high flow of pedestrian traffic. Council aims to have continuity along these streets....*

In the Officers' Report, the Hearing Committee noted that amendments were made to the Centres and Business Area Design Guides to provide guidance for vehicle-orientated developments. The Committee considered that these amendments addressed many of the issues raised by submitter 26 and therefore endorsed these changes. These changes are discussed in further detail in section 4.5.6 of this report.

**Submitter 55 (Cardno TCB Ltd)** opposed Rule 7.3.6 in that it requires a resource consent urban design assessment for new buildings and structures within Centres. It was submitted that the matters Council has restricted its discretion to are so numerous and broad in scope that it appears to be no matter that Council cannot consider.

Given the importance placed on achieving a high quality built environment in Wellington in general, the Hearing Committee was of the view that the Operative District Plan provides comparatively little guidance as to the type and quality of outcomes that the Council is seeking to achieve, and it is therefore essential that this situation is remedied with some urgency.

The Committee believed that the Plan Change's new, expanded policies on urban design, urban form, and landscaping and site access in Centres will provide greater clarity as to the built outcomes that the Council is seeking in Centres. The Committee felt that policies will provide a much more robust framework for assessing applications for new buildings and structures. The Committee was of the mind that the policies also provide a more affirmative direction for new building work. The policies acknowledge the potential positive effects of buildings that are of high design quality, even if those buildings do not comply completely with the building standards specified in the District Plan. The Committee specifically observed that this shift in Policy direction was consistent with the approach taken in the Central Area under Plan Change 48 (Central Area Review).

In this regard, the Committee agreed that Discretionary Activity status of Rule 7.3.6 is vital to ensure that new developments, particularly those currently at the lower end of the design spectrum, make a positive impact on the public environment through the integration of quality urban design.

**Submitter 76 (Bunnings Limited)** sought that the fifth bullet point of Rule 34.1.6 regarding new buildings within Business 2 Areas that are adjacent to Residential Areas be amended to read as follows:

*"the construction of, or addition to, buildings and structures in Business 2 Areas with a gross floor area exceeding 4000m<sup>2</sup> and located on a site ~~adjacent to~~ adjoining or abutting ~~a Residential Area~~ or a state highway (see Rule 34.3.8)".*

In addition, the submitter suggested that Rule 34.3.8 be amended to read as follows:

*"The construction of, or addition to, buildings and structures in Business 2 Areas resulting in a total gross floor area exceeding 4000m<sup>2</sup>, and located on a site ~~adjacent to~~ adjoining or abutting ~~a Residential Area~~ or a state highway are Discretionary Activities (Restricted) in respect of...."*

The submission considered that it is vital to acknowledge that the Business 2 Areas do not require the same level of urban design assessment as other areas of the City.

The submitter felt that the introduction of urban design considerations to the Business 2 Areas would potentially erode the ability of a site to operate an activity that is permitted under the District Plan.

**Submitter 76** also raised concern with the use of the words “adjacent” in these rules and suggested the replacement word of “adjoining” instead. On a similar line, **Submitter 73 (Delani Properties Ltd)** suggests the removal of the reference to Residential Areas from these rules.

Rule 34.1.6 allows for the construction or alteration of, or addition to buildings and structures as permitted activities. There are a number of exceptions to the rule, including buildings and structures over 4000m<sup>2</sup> in Business 2 Areas that are adjacent to a Residential Area or are visible from a state highway. In these cases application is made under Rule 34.3.8 for resource consent to allow an urban design assessment to be undertaken.

The Hearing Committee agreed that larger buildings that can be seen from Residential Areas or from the state highway should have design consideration. They agreed that a threshold of 4000m<sup>2</sup> for requiring urban design assessment in Business 2 Areas was appropriate and that the use of the word “adjacent” in the Rules is acceptable. In this regard, the Committee decided that no changes were necessary for Rules 34.1.6 and 34.3.8.

**Submitter 76** also raised concern that the proposed Business 1 Area approach is not recognising that large buildings may locate in this area and that the proposed urban design assessment will potentially erode the ability of a site to operate an activity that is permitted under the District Plan. The submission sought that Rule 34.3.5 be amended to recognise the use and location of a particular site with respect to whether an urban design assessment will be required for new buildings in Business 1 Areas.

The Hearing Committee did not agree that the introduction of urban design considerations to the Business 1 Areas is potentially eroding the ability of a site to operate an activity that is permitted under the District Plan. Larger, buildings are able to locate in such areas, but given their size and bulk, the Committee agreed that it was reasonable that they are assessed for their fit within a surrounding neighbourhood and do not support the suggested amendments to Rule 34.3.5.

The Committee noted and accepted the Officers’ Report recommended amendments to the explanation of Policy 33.2.4.1 to provide clearer guidance outlining that a lower amenity for some activities in Business 1 Areas may be acceptable in some cases. In addition, the Committee recommended that the words “*some Residential Areas and*” should be inserted to sentence 2, paragraph 3 of Policy 33.2.4.1. The changes are as follows:

**33.2.4.1**    **Ensure that buildings, structures and spaces in Business 1 Areas are designed to:**

- **acknowledge and respect the form and scale of the surrounding environment in which they are located; and**
- **respect the context, setting and streetscape values of adjacent listed heritage items, and Heritage Areas; and**
- **establish positive visual effects; and**
- **provide good quality living and working environments; and**
- **provide conditions of safety and accessibility, including for people with restricted mobility.**

*Urban design assessment is not always required in the Business Areas as these are often utilitarian by character and do not warrant the level of assessment that may be required in more sensitive areas of the City such as the Central Area and Centres.*

*Nevertheless, many of the City's Business Areas are located along major thoroughfares, or in or near to more sensitive receiving environments. Where there are zone interfaces, Council will seek to balance flexibility of design and use with some urban design guidance in sensitive areas.*

*Historic development patterns often mean that Business 1 Areas are located in and around more sensitive areas such as Residential Areas. This, along with the varied range of uses in the Business Areas, means that sometimes design guidance is required to help alleviate interface issues between the zones. At the same time, Council also acknowledge that each site has specific characteristics, as well as differing activities and building types that may influence design outcomes. Council will require high standards of urban design for new buildings and structures, and where significant additions and alterations are proposed. Standards have been set in the Plan to ensure a reasonable level of amenity value is maintained. Where resource consent is required, applications will be assessed for their scale and appropriateness and the ability for any adverse effects to be avoided, remedied or mitigated.*

*In the Business 2 Areas Council acknowledges that urban design assessment will usually not be necessary. For this reason, design assessment is limited to new developments in areas that are visible from some Residential Areas and state highways...*

Both **Submitter 83 (New Zealand Historic Places Trust) and 131 (Greater Wellington Regional Council)** supported the retention of objectives 6.2.3 and 33.2.4 and their associated policies. **Further submission 13** supported submitter 131. The support of **submissions 83 and 131** is acknowledged and is accepted by the Hearing Committee.

**Submitter 83 also** supported the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area. This support is acknowledged and is accepted by the Hearing Committee.

**Submitter 93 (Roland Sapsford)** sought that Council strengthen the zone interface policies and rules to ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas.

The Committee acknowledged the concerns of the submitter, but maintained that the suite of provisions in Plan Change 73 is designed to work together to ensure interface and design issues are appropriately managed. For example, Policy 6.2.3.8 specifically deals with zone interfaces and ensures that there is an appropriate transition between Centres and more sensitive areas such as Residential. Standard 7.6.2.1.1 provides for unique Centre by Centre high limits, whereas Standard 7.6.2.1.4 deals with the height control adjoining Residential Areas. The Committee was satisfied that the provisions provide appropriate buffers and transitional spaces between different zones and do not recommend changes in this regard.

**Submitter 109 (Glenside Progressives Association)** referred to the streetscape appraisal text of Chapter 3, section 3.2.4.2.1 which refers to the specific information design requirements for resource consents that are assessed under the Residential Design Guide. The sentence is as follows:

*“In addition, where a development has a presence on a street which is generally recognised as having a character that is of significance to, and is valued by the community, then a streetscape appraisal will be required”.*

The submission sought that Council include a process to explain how Council or developers will recognise streets that have significant character when requiring streetscape appraisals for applications that are to be assessed against a Design Guide.



The Hearing Committee noted that Plan Change 72 **Submitter 55 (Cardno TCB Ltd)** sought clarification for when a streetscape appraisal would be required (refer to section 4.2.3 of the Plan Change 72 Decision Report). The Committee decided that as part of DPC 72 a wording amendment would be inserted in Chapter 3 to indicate that the appraisal would apply to areas that are recognised under the pre-1930 demolition rule and the residential coastal edge. The Committee considered that this decision addressed Submitter 109 and 55's concerns.

### Recommended Decisions

- **Accept** submission 4 insofar as it supports increased policy guidance for urban design.
- **Reject** submission 9 insofar as it requests accurate drawings showing design and scale of any approved new building should be displayed for any consented development site.
- **Accept in part** submission 9 insofar as it requests that any new developments at Rongotai South should harmonise to mask inevitable bulk.
- **Reject** submission 9 insofar as it requests that Council establish a Community Consultative Committee to mirror the work of the Technical Advisory Group with regard to building design.
- **Reject** submission 26 insofar as it seeks that the Plan Change specifies that Rule 7.3.6.1 does not apply to service stations.
- **Accept in part** submission 26 insofar as it seeks that under Objective 6.2.3 include a new policy that provides for the location of service stations and other vehicle-oriented activities at the edge of centres, but allow for additional explanation to be added to Policies 6.2.3.3, 6.2.3.4 and 6.2.3.5.
- **Reject** submission 55 insofar as it opposes Rule 7.3.6 as the matters Council has restricted its discretion to are so numerous and broad in scope that it appears to be no matter that Council cannot consider.
- **Reject** submission 76 insofar as it requests amendments to Rules 34.3.5, 34.1.6 and 34.3.8 regarding new buildings within Business Areas that are adjacent to Residential Areas and requirement of an urban design assessment, but allow for additional explanation to be added to Policy 33.2.4.1.
- **Accept** submission 83 insofar as it requests that Objectives 6.2.3 and 33.2.4 – Built development, urban form and public space and associated policies 6.2.3.1 and 33.2.4.1 be retained as notified.
- **Accept** submission 83 insofar as it supports the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area.
- **Reject** submission 93 insofar as it requests Council strengthen the zone interface policies and rules to ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas.
- **Reject** submission 109 insofar as it requests the inclusion of a process to explain how Council or developers will recognise streets that have significant character when requiring streetscape appraisals for applications that are to be assessed against the Residential Design Guide, but amend

the Plan Change 72 Chapter 3, 3.2.4.2.1 to provide greater clarity of the intent.

- **Accept** submission 131 insofar as it seeks the retention of objectives 6.2.3 and 33.2.4 and their associated policies.

#### 4.5.2 Street frontages/verandahs

##### Submissions

Specific issues raised in submissions include:

- Requests that a clear definition be provided in the documents for ‘primary’ and ‘secondary street frontages’ (**Submission 77**).
- Provision should be made in Rule 7.1.4 for parts of existing buildings which are visible from public spaces to be altered or extended as a permitted activity (**Submission 55**).
- Amend Rule 7.1.5 to provide an exemption for the demolition of buildings for people who have developed plans and have obtained building consent (**Submission 55**).
- Amend Rule 7.3.3 to clarify the intent of the rule relating to the demolition of buildings that create vacant land as follows:

*“~~The creation of~~ demolition of buildings to create vacant land, open land or parking areas (at ground level) on sites that are visible from public spaces, or that have a located on primary or secondary street frontages as identified on maps 43 to 49 and 49a, is a Discretionary Activity (Restricted) in respect of:...”* (**Submission 31**).

- Delete Rule 7.3.3 (creation of parking areas at ground level) (**Submission 108**).
- Specify that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage (**Submission 26**).
- Add an additional standard to require all new buildings to be built up to the street edge along primary street frontages as follows:

*“7.6.2.2.x New buildings built on a site identified as having a primary street frontage (as identified on planning maps 43 to 49A), must be built up to the street edge along the primary frontage, for the full width of that frontage.”* (**Submission 31**).

- Amend wording of Standard 7.6.2.5.1 relating to verandah requirements as follows:

*“7.6.2.5.1 Verandahs must be constructed along any building frontage ~~facing~~ adjoining the boundary of a street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building”* (**Submission 108**).

- Amend Standard 7.6.2.5.1 relating to verandahs as follows:

*“7.6.2.5.1 ~~A~~ Verandahs must be constructed along any building frontage facing a primary and secondary street frontage”*

~~street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building”~~  
(**Submission 64**).

- Specify that Standard 7.6.2.5.1 does not apply to service stations located on a Secondary Street Frontage (**Submission 26**).
- Delete Standards 7.6.2.5.2 and 7.6.2.5.3 relating to verandahs (**Submission 64**).
- Amend wording of Standard 7.6.2.5.4 relating to verandah requirements as follows:
  - “7.6.2.5.4 A verandah required by standard 7.6.2.5.1 must:
    - extend for the full length of the ~~building~~ primary or secondary street frontage
    - extend 3 metres outwards from the front of the building (minus any requirement for a 450mm horizontal set back from the kerbing)
    - ~~provide continuous shelter with any adjoining verandah or pedestrian shelter~~
    - relate to its neighbours” (**Submission 108**).
- Amend third bullet point of Standard 7.6.2.5.4 exempting the requirement for verandahs over existing vehicle access crossings, as follows:
  - “provide continuous shelter with any adjoining verandah or pedestrian shelter, except over that part of the frontage used for vehicle access...” (new wording underlined) (**Submission 103**).
- Amend heading of Standard 7.6.2.6 as follows:
  - “Primary and Secondary Street Frontages ~~and Display Windows”~~  
(**Submission 31**).
- Standard 34.6.2.5.1 relating to verandahs is supported (**Submission 108**).
- Delete Standards 7.6.2.6.1 to 7.6.2.6.3 inclusive relating to display windows (**Submission 108**).
- Confirm that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1 to 7.6.2.1.3) (**Submissions 13 and 14**).
- Under Standard 7.6.2.6.2, delete the phrase “and secondary” (**Submission 64**).
- Delete Standards 7.6.2.6.5 and 7.6.2.6.6 or alternatively amend to recognise the particular constraints of the building typology of supermarkets (**Submission 108**).

### Discussion

**Submission 77** requested that a clear definition be provided in the documents for ‘primary’ and ‘secondary street frontages’. The Committee noted that the Centres Design Guide provides a brief description of primary and secondary streets and therefore considered it unnecessary to provide a definition in Chapter 3 of the Plan.

**Submission 55** opposed Rule 7.1.4 because it asserts that the rule is extremely restrictive. In effect the only changes that can be made to an existing building are internal, associated with the shop front as almost all sides of a building will be visible from some form of public space, especially in the smaller centres. The submission sought amendments to this rule which will allow the alteration and extension of existing buildings as a permitted activity. **Further submission 13** supported this submission.

Rule 7.1.4 .1 currently permits any alterations or additions that:

- do not alter the external appearance of the building or structure; or
- relate to building elevations below verandah level (except in Thorndon Character Area); or
- are not visible from public spaces.

Street edges and the buildings and activities that front them play an important role in the urban fabric of Centres. Therefore specific standards have been put in place that requires particular attention to this interface. Primary and secondary street frontages have been identified within Centres with the aim of ensuring that they place visible publicly-relevant activities at the edges of buildings to help communicate how the building is being used and occupied, and to ensure an active edge to the street. Council will therefore require high standards of urban design for new buildings and structures, especially if they are located on primary and secondary street frontages, as well as significant additions and alterations in Centres through design guidance assessment.

Council has attempted to find a balance between permitting what Council considered are “minor” additions and alterations and requiring consent in order to have some control over the urban design of streets.

The Committee acknowledged that a building with a gross floor area of less than 100m<sup>2</sup> and resulting in a total coverage (together with other buildings) of no more than 20 percent of the site could be built as of right on a site with a street frontage other than an identified primary or secondary street frontage, but that an addition or alteration that does not comply with 7.1.4.1 would trigger the requirement for a resource consent. However, the Committee considered that adding an additional floor or two to any existing building, for example, could have quite a significant visual impact on the streetscape and would therefore warrant requiring resource consent. For these reasons, the Committee considered it appropriate to retain Rule 7.1.4 as it is, and therefore rejected **submission 55**.

**Submission 55** opposed Rule 7.1.5 stating that the rule could severely restrict the ability of people to redevelop their sites. The submission considered that one interpretation of this rule is that no demolition can occur without a consent as even the act of demolishing an existing building in order to build a new consented one will result in *“the creation of vacant land, open land or parking areas (at ground level) that are viable from public spaces”* at some point during the process. This submission is supported by **further submission 13**.

The submission assumes that Council’s intention is to prevent people demolishing buildings and leaving them vacant for months if not years and that the situation described above was not considered by Council. Whilst the submission agreed that sites should not be left vacant for extended periods, it requested that an exemption to this rule should be provided for people who have developed their plans and obtained land use and/or building consent for them.

Officers considered that the concerns of the submission are overstated. There is a similar rule in the Central Area, which has been in existence since the operative

District Plan was notified in 1994. From discussions with Council's Resource Consenting Officers this rule is not triggered often, as applications generally include the construction of a new building, and Council Officers would apply the appropriate "construction of new building" rule rather than the "creation of vacant land" rule. For these reasons, Officers considered it appropriate to retain Rule 7.1.5, as notified, subject to the minor amendments to Rule 7.3.3 being made. The Committee agreed with Council Officers on this matter and therefore rejected submission 55.

**Submission 31** requested that Rule 7.3.3 be amended to clarify the intent of the rule relating to the demolition of buildings that create vacant land as follows:

**7.3.3**      ~~The creation of~~ **demolition of buildings to create** vacant land, open land or parking areas (at ground level) **on sites that are visible from public spaces, or that have a** ~~located on~~ primary or secondary street frontages as identified on maps 43 to 49 and 49aA, is a Discretionary Activity (Restricted) in respect of...

Rule 7.3.3 allows Council some control over the creation of vacant land on sites that have an identified primary or secondary street frontage within Centres to manage the potential effect of new open spaces (and ground level car parking) on the quality of the urban environment and to assess the effect of the activity on the vitality of the Centre. This minor change is considered appropriate to help clarify the intent of the rule. The Committee therefore accepted this submission, but noted it appropriate to also amend Rule 7.1.5 to reflect any changes to Rule 7.3.3. The subsequent change to Rule 7.1.5 is as follows:

**7.1.5**      **The total or partial demolition or removal of buildings and structures are Permitted Activities except those listed below:**

- **when the result is the creation of vacant land, open land or parking areas (at ground level) that are visible from public spaces or that have a ~~located on~~ primary or secondary street frontages (see Rule 7.3.3).**
- **the total or partial demolition, or removal of any building constructed prior to 1930 in the Thorndon Character Area (see Rule 7.3.11).**

**Submission 108** requested that Rule 7.3.3 (creation of parking areas at ground level) be deleted. **Further submissions 2, 11 and 13** supported this submission.

At the hearing, planning consultant Mike Foster on behalf of **submitter 108** (Progressive Enterprises Limited) stated that whilst he accepted that at-grade parking could adversely affect amenity on primary street frontages, he disagreed with respect to secondary street frontages. Mr Foster considered that views from public spaces are only a concern if an at-grade car park is not appropriately landscaped or treated. Mr Foster also commented that it would be a weird outcome if demolition / redevelopment of a site were constrained by the rule. Mr Foster stated that while outright deletion of the rule may be a step too far, he recommended deletion of the words "vacant land, open land or" and the word "secondary" from Rule 7.3.3.

The creation of vacant space, gaps in the streetscape or parking areas at street level on identified primary and secondary street frontages could have a detrimental effect on the amenity and streetscape of the city. These effects include a loss of vitality, particularly in the main retail or commercial areas; and the erosion of streetscape quality. The Plan sought to avoid such outcomes within Centres. It is Council's view that the characteristic pattern of these areas should be maintained by ensuring that existing retail frontages are retained. There are also often other opportunities to

create parking on a site that can be utilised. For these reasons, the Committee considered it inappropriate to amend or delete this rule, and therefore this submission was rejected.

**Submission 26** sought that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage. The Hearing Committee agreed with Officers' recommendations to support this submission in part as they agreed that recognition of vehicle orientated uses such as service stations can be incorporated in to the proposed plan change. Amendments have been recommended to the explanation of policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 (discussed in section 4.5.1 of this report) and changes have been made to the Design Guides to better cater for cases where vehicle orientated activities are proposed. The Committee upheld however, that Rule 7.3.3 plays an important role in the overall management of Centres. This rule has been drafted to encompass consideration of all development types (via the policies and design guides).

As discussed in section 4.5.1 of this report, the Committee acknowledged that there is a distinct difference between already established vehicle-orientated activities and those that are newly proposed in a Centre. The Committee noted that already established sites often have historical reasons why they have been developed in a certain way (e.g. large forecourt areas to the street edge which may have once accommodated other services such as tyre fitting, mechanics, vehicle parking etc). The Committee accepted this form of development pattern was apparent in Wellington, however considered that with a new service centre development; there are often a multitude of options for site configuration. Council will be seeking to ensure that any such development is configured to maintain the building edge on the street front wherever possible and to locate parking elsewhere within the site. In this regard, service stations should not be specifically exempted and the Committee decided to retain Rule 7.3.3 as notified.

**Submission 31** sought that an additional standard be included under the heading "Active' building edges" under 7.6.2.6 to require all new buildings to be built up to the street edge along primary street frontages. This submission was opposed by **further submission 13**. Council Officers recommended that the standard be reworded to clarify the intent of the standard as follows:

7.6.2.6.x      *New buildings built on a site identified as having a primary street frontage (as identified on planning maps 43 to 49A), must be built up to the street edge along the primary frontage.*

Mr Alasdair Scott, planning consultant for **further submitter 13** (Antipodean Properties Ltd (Johnsonville) and (Kilbirnie)) spoke to the hearing requesting that this new standard be amended to provide the opportunity for redevelopments to occur at locations remote from specified Primary Frontages on sites of significant size, such as the submitter's Woolworths/The Warehouse site in Johnsonville. To reiterate, it is likely that any future redevelopment intensification of that site will occur in a staged manner, commencing with the extensions to/reconfiguration of the anchor stores on the eastern half of the site. Mr Scott considered that scope should be provided for redevelopment to occur at that location without the associated structures needing to be built up to the Johnsonville Road primary frontage.

The Hearing Committee considered that an amended version of this standard will assist in ensuring that primary street frontages are continuous and that new buildings are appropriately designed and in keeping with the surrounding character. For this reason, Submission 31 was accepted in part by the Committee with the wording as follows:

7.6.2.6.x New buildings built at the front of a site identified as having a primary street frontage (as identified on planning maps 43 to 49A), must be built up to the street edge along the primary frontage.”

## Verandahs

**Submission 108** supported Standard 34.6.2.5.1 relating to verandahs. This support was accepted by the Committee.

**Submission 31** sought that the heading of Standard 7.6.2.6 be amended. This submission was supported by the Committee to clarify the intent and structure of the standards relating to identified primary and secondary street frontages.

**Submission 108** sought that the wording of Standard 7.6.2.5.1, relating to verandah requirements, be amended to recognise that some buildings may be set back from the street boundary. **Further submission 13** supported this submission. **Submission 108** suggested the following wording:

7.6.2.5.1 *Verandahs must be constructed along any building frontage ~~facing~~ adjoining the boundary of a street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building.*

At the hearing, **submitter 108** (Mike Foster on behalf of Progressive Enterprises Limited) stated that they supported in part the amendments to Standard 7.6.2.5.1 as recommended in the Officers’ report. However, Mr Foster advised that in his opinion, the word “facing” should be changed to “adjoining the primary frontage”.

**Submission 64** sought that Standard 7.6.2.5.1, relating to verandahs, be amended as it asserts that it is apparent that the intention is to require buildings along the frontages of buildings facing primary and secondary street frontages. As such, the submission considered that the wording should be simply stated, as follows:

7.6.2.5.1 *A ~~V~~erandahs must be constructed along any building frontage facing a primary and secondary street frontage street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building”.*

**Submission 26** sought that Standard 7.6.2.5.1, relating to verandah requirements, does not apply to service stations located on a Secondary Street Frontage. The submission stated that while the proposed plan change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then places “severe” constraints on the ability of a service station to meet these standards. The submission considered that the plan change has not adequately taken into account the role that service stations play in Centres.

**Submission 64** sought that Standards 7.6.2.5.2 and 7.6.2.5.3, relating to verandahs, be deleted as it considered that it is inappropriate and a disincentive for such standards to be applied under such circumstances. The submission considered that the appropriate design of voluntarily provided verandahs is a matter that can be effectively managed by Rule 7.3.6. This submission was supported by **further submission 2**.

**Submission 108** sought that the wording of Standard 7.6.2.5.4, relating to verandah requirements, be amended to clarify that the area where verandahs are required is the parts of the site which are identified as primary and secondary street frontages. **Further submission 13** supported this submission. **Submission 108** asserted that this also recognises the operational constraints of supermarkets where it may not be achievable or necessary to locate continuous verandahs along all

frontages of a supermarket building, and that the requirement for a verandah to “relate to its neighbours” is vague and open to interpretation to the point that it is an unworkable requirement for a standard. The submission suggested the following wording:

- 7.6.2.5.4 *A verandah required by standard 7.6.2.5.1 must:*
- *extend for the full length of the ~~building~~ the primary or secondary street frontage*
  - *extend 3 metres outwards from the front of the building (minus any requirement for a 450mm horizontal set back from the kerbing)*
  - ~~*provide continuous shelter with any adjoining verandah or pedestrian shelter*~~
  - ~~*relate to its neighbours.*~~

At the hearing, **submitter 108** (Mike Foster on behalf of Progressive Enterprises Limited) on reviewing the wording of Standard 7.6.2.5.4, as recommended in the Officers’ report, suggested revised wording of bullet points one and three to read as follows:

- *extend for any part of a building elevation adjoining a street frontage*
- ...
- *provide a direct connection to adjoining verandahs*

Mr Foster was of the view that the revised wording would maintain consistency with Standard 7.6.2.5.1 and would provide greater clarity.

**Submission 103** sought that the third bullet point of Standard 7.6.2.5.4 be amended to exempt the requirement for verandahs over existing vehicle access crossings, as follows:

- *provide continuous shelter with any adjoining verandah or pedestrian shelter, except over that part of the frontage used for vehicle access... (new wording underlined).*

This submission was supported by **further submission 13**.

Fundamentally the Officers’ report did not agree with many of the requests to acknowledge/exempt buildings set back from the road or building used primarily by vehicle orientated uses. Therefore, the above submissions concerning these issues were not supported by the Officers’ Report, although other amendments were suggested.

At the hearing, Mr Foster as well as Peter Coop, representing **submitter 64** (Foodstuffs (Wellington) Co-operative Society Ltd), and Jenny Hudson, representing **submitter 103** (McDonald’s Restaurants New Zealand Limited) advised that they had reservations regarding Standard 7.6.2.5.2, as redrafted in the Officers’ Report and requested that either Officers explain its intent in clear terms or that the standard be deleted.

The Officers’ Report recommended redrafted Standard 7.6.2.5.2 was as follows:

- ~~7.6.2.5.2 *For frontages not identified on District Plan Maps 43–49A, verandahs may be constructed on any building frontage facing a public space within Centres provided that:*~~
- ~~*the building is not a heritage building listed or area in Chapter 21, or*~~
  - ~~*the adjoining public space extends 12 metres or more perpendicular from the building frontage.*~~



7.6.2.5.2 Verandahs must be constructed along any building elevation facing a public space which extends more than 12 metres perpendicular from the building elevation.

The Committee agreed with these submitters that the standard was unclear and decided to delete this Centres Standard. For consistency, the corresponding Business Area Standard needs to also be deleted.

Both Mr Coop and Ms Hudson advised that **submitters 64 and 103** were comfortable with all of the other proposed amendments to the verandah standards as outlined in the Officers' report.

In response to submissions 26, 64, 103 and 108 above, the Hearing Committee noted that providing shelter for pedestrians is a very important requirement for new development in Centres. As discussed in the general urban design and design guide sections of this report, the Hearing Committee was of the view that more policy guidance regarding building design, particularly on identified street frontages and when it may be appropriate for a building to be set back from the street edge (thus not requiring a verandah) is very important to ensure high quality urban outcomes.

The Committee firmly maintained that the specific standards that have been put in place regarding verandahs and primary and secondary frontages are critical. They will ensure the commercial parts of the City's suburbs are of high quality and provide sufficient amenity to pedestrians. Primary and secondary street frontages in the Centres provisions have the overarching goal of ensuring that publicly-relevant activities are placed at the edges of buildings to help communicate how the building is being used and occupied and ensure active edges.

Nevertheless, the Committee agreed that further emphasis can be incorporated into the Centres provisions to allow better consideration of vehicle oriented activities, such as supermarkets, service stations and drive through restaurants. As such, the Committee agreed with most of Officers' recommended amendments to policies in the Centres Area and Business Area chapters, as well as changes to the Design Guides to provide better policy guidance. However, the Committee did agree with submitters that some fine-tuning was required to the standards to clarify where verandahs should be required provided that they were generally consistent with the verandah standards in DPC 48 as follows:

7.6.2.7.1 Verandahs must be constructed along any building ~~frontage~~ elevations adjoining a ~~street, pedestrian mall, pedestrian walkway, or other public space identified in~~ primary frontage (as identified on District Plan Maps 43 to 49A) unless that building is a listed heritage building.

~~7.6.2.5.2 For frontages not identified on District Plan Maps 43–49A, within Centres provided that:~~

- ~~• the building is not a heritage building listed or area in Chapter 21, or~~
- ~~• the adjoining public space~~

7.6.2.7.2 Any verandah must:

- provide a minimum clearance of 2.5 metres directly above the footpath or formed ground surface
- be no more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface
- provide a minimum horizontal set back of 450mm from any point along the kerbing extending back to the site boundary
- extend no more than 3 metres in width from the front of the building

7.6.2.7.3 A verandah required by standard 7.6.2.7.1 must:

- extend for the full length of the building elevation

- *extend 3 metres outwards from the ~~front of the building~~ elevation (minus any requirement for a 450mm horizontal set back from the kerbing)*
- *provide continuous shelter with any adjoining verandah or pedestrian shelter*
- *~~relate to its neighbours~~*

~~7.6.2.1.5 Secondary frontages in Neighbourhood Centres are not subject to the verandah standards stated in standards under 7.6.2.5.~~

## **Display windows**

**Submission 108** sought that Standards 7.6.2.6.1, 7.6.2.6.2 and 7.6.2.6.3, relating to display windows be deleted. The submission asserted that display windows are not always feasible for a supermarket. For example, sunlight on fresh and chilled/frozen products can cause the products to perish, and can create problems in respect of food safety if food products are exposed to sunlight. At the hearing, Matthew Grainger, Property Development Manager for Progressives Enterprises Limited, reiterated this point by advising that excessive exterior glazing causes difficult environmental problems and create the need for additional mechanical plant to control heat. The submission considered that inclusion of this standard as drafted does not adequately recognise that supermarkets are likely to be an anchor store within a centre, and that more flexible design standards are more appropriate for anchor stores, given the benefit that such stores provide to the centre as a whole.

The importance of supermarkets as anchor stores has been discussed in Section 4.4.2.3 of this report where it is agreed that greater recognition of the importance of supermarkets in Centres can be incorporated into policy guidance.

However, the Hearing Committee did not accept that supermarkets should be exempt from the requirement for display windows on primary and secondary frontages in Centres. Large expanses of blank walls along key streets in Centres will not enhance vibrancy or create attractive places for people to visit. Fostering our suburb's sense of place and identity has been a major strategic goal of Councils for many years and any erosion of this aim should not be encouraged. Therefore, deletion of the display window standards was not supported by the Committee and in this regard, **submission 108** was rejected.

**Submissions 13 and 14** sought confirmation that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1 to 7.6.2.1.3). **Submission 13** was supported by **further submission 1**. **Submission 64** also sought that the phrase "and secondary" be deleted from under Standard 7.6.2.6.2, as it is clear from Standard 7.6.2.6.1 that the display window standard applies to primary frontages only.

Mr Alasdair Scott, planning consultant for **submitters 13 and 14** (Antipodean Properties Ltd (Johnsonville) and (Kilbirnie)) and Mr Coop, planning consultant for **submitter 64** (Foodstuffs (Wellington) Co-operative Society Ltd) advised at the hearing that they concurred with the Officers' recommendation to accept their submissions.

The Committee agreed with these three submissions as the intention is for display windows to apply only to identified primary street frontages. The recommended change is as follows:

7.6.2.6.2 *Display windows on primary ~~and secondary~~ street frontages must be transparent and not be blocked off from view from the public street by the use of obscure roller shutter doors,*

*obscure screens or similar structures. Transparent or semi-transparent security grilles are permitted.*

### **‘Active’ building edges**

**Submission 108** sought that Standards 7.6.2.6.5 and 7.6.2.6.6, relating to continuous/blank walls, be deleted or alternatively amend to recognise the particular constraints of the building typology of supermarkets. The submission asserted that these standards do not recognise the role of anchor stores in town centres, nor that given the particular constraints of their building typology, these standards would be particularly difficult to achieve in many cases. The submission considered that the words “continuous/blank” could be interpreted to mean continuous or blank. A wall could be continuous but not blank. It was submitted that if this standard is retained then the forward slash should be removed, so that a wall has to be both continuous and blank for this rule to apply.

At the hearing Karl Cooper, urban designer for **submitter 108**, was of the opinion that Standard 7.6.2.6.5 is a very restrictive standard and does not allow for creative design. For example, an art installation along a wall should not be considered as providing a blank wall. A more realistic distance would be 6m, and even this should not be imposed on anchor store development or where a particular design aspect is proposed that can be demonstrated to be beneficial and integral to the elevation as a whole.

Mr Foster, on behalf of **submitter 108**, stated at the hearing that urban designers do not have any understanding of a supermarket’s operational requirements. Mr Foster advised that the commonly expressed view that supermarkets must face the street and that shopper parking needs to be around the back is completely at odds with the reality of operations and customer requirements. Mr Foster considered that the Hearing Committee should modify Standards 7.6.2.6.5 and 7.6.2.6.6 to recognise the particular constraints of the building typology for supermarkets.

As discussed above, active street environments are essential to the success of our Centres. The Hearing Committee maintained that if applicants engage the design process with a commitment to quality design, then an appropriate solution can be found. This may well mean that a blank wall that is adorned with a carefully considered art work may well be acceptable. The point is, that if the Centres provisions, including the standards, cannot be met then a resource consent is required which enables applicants the ability to present an alternative case to what is anticipated under the District Plan.

The Committee considered that complete deletion of the active edges standards from the Plan Change, as suggested by **submission 108**, would not allow for this design process and would not help achieve positive active public spaces and edges. The suggested 6m setback would do little to achieve a responsive edge either. Therefore **submission 108** was not supported by the Committee in this regard.

In summary, on receiving advice from architect and urban designer Graeme McIndoe, the Committee was strongly of the view that additional controls are a consequence of an imperative to provide greater control of design. To reduce these would be to act in a way contrary to the Plan Change intent.

### **Recommended Decisions**

- **Reject** submission 77 insofar as it requests that a clear definition be provided in the documents for ‘primary’ and ‘secondary street frontages’.

- **Reject** submission 55 insofar as it seeks that provision should be made in Rule 7.1.4 for parts of existing buildings which are visible from public spaces to be altered or extended as a permitted activity.
- **Reject** submission 55 insofar as it requests the amendment of Rule 7.1.5 to provide an exemption for the demolition of buildings for people who have developed plans and have obtained building consent.
- **Accept** submission 31 insofar as it requests the amendment of Rule 7.3.3 and 7.1.5 to clarify the intent of the rule relating to the demolition of buildings that create vacant land.
- **Reject** submission 108 insofar as it requests the deletion of Rule 7.3.3 (creation of parking areas at ground level).
- **Reject** submission 26 insofar as it requests that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage.
- **Accept in part** submission 31 insofar as it requests an additional standard to require all new buildings to be built up to the street edge along primary street frontages.
- **Accept in part** submissions 26, 64, 103 and 108 insofar as they request amendments to the standards relating to verandahs.
- **Accept** submission 31 insofar as it requests amending the heading of Standard 7.6.2.6.
- **Accept** submission 108 insofar as it supports Standard 34.6.2.5.1 relating to verandahs.
- **Reject** submission 108 insofar as it requests deleting Standards 7.6.2.6.1 to 7.6.2.6.3 inclusive relating to display windows.
- **Accept** submissions 13 and 14 insofar as they request confirmation that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1-3).
- **Accept** submission 64 insofar as it requests, under Standard 7.6.2.6.2, to delete the phrase “and secondary”.
- **Reject** submission 108 insofar as it requests deleting Standards 7.6.2.6.5 and 7.6.2.6.6, or alternatively amended to recognise the particular constraints of the building typology of supermarkets.

### 4.5.3 Frontages maps

#### Submissions

Specific issues raised in submissions include:

- Amend planning maps 43-46 to show restricted road frontages (**Submission 117**).
- Delete the secondary street frontage applying to the submitter’s sites at Miramar, Kilbirnie, Rugby Street and Newlands (**Submission 64**).
- Amend the Primary Frontage on the Coutts Street frontage to the Kilbirnie Woolworths site to a Secondary Frontage (Map 45) (**Submission 13**).
- Delete the Secondary Street Frontage classification in its entirety; or at the very least make the following specific deletions:

- The Secondary Street Frontage classification for Strathmore be deleted from the Shell service station site.
- The Secondary Street Frontage classification for Kilbirnie be deleted from the Shell service station site.
- The Secondary Street Frontage for Crofton Downs be deleted from the Shell service station site (**Submission 26**).
- Update the Newlands primary and secondary street frontages map on planning map 49A to reflect further work being undertaken on the draft Newlands Centre Plan (**Submission 31**).
- Amend the street frontages map of Johnsonville (Map 48) (**Submission 78**).
- Amend the Johnsonville primary and secondary street frontages map on planning map 48 to delete the primary and secondary frontages on land not fronting a legal road or public space (**Submission 31**).
- Notwithstanding the above, amend the extent of the Primary Road frontage on Johnsonville Road to recognise the existing vehicular access points to the Warehouse/ Woolworths site (Map 48). In association with this, apply a ‘Secondary Frontage’ notation to the small section of proposed Primary Frontage, south of the main vehicular access into the Woolworths/ Warehouse site (**Submission 14**).
- That the length of frontage identified as primary street frontage on Planning Map 48 for Johnsonville be the same as that shown on Planning Map 43 of the Operative District Plan; and that the Secondary Street frontage notation on Planning Map 48 be deleted from the Moorefield Road frontage of the site (**Submission 103**).
- That the primary street frontage notation be deleted from 190 Riddiford Street, Newtown (**Submission 103**).
- Include the Tawa Town Centre frontages map onto planning maps 43-49A (**Submission 31**).
- Remove secondary frontage from Churchill Drive, Crofton Downs (**Submission 108**).

### Discussion

Many of the submissions received on this topic considered that the use of street frontages to influence the development along the street edge was overly restrictive. They considered that potential redevelopment along the identified frontages could be hamstrung by inflexible standards and subject to an uncertain design guide process. Many of the submissions call for the complete removal of the street frontages altogether.

In light of the submissions heard, the Committee had a strong sense that many submitters were perplexed by the difference between a primary frontage and a secondary frontage. The Committee explored this issue in their decision making process and found that, whilst there is no definition of what a Primary or Secondary Street is in the District Plan, the Centres Design Guide does expand on this further.

As suggested by some submitters, the Committee was reluctant to introduce specific definitions under Chapter 3, but did note that the Centres Design Guide does provide clarification this regard. The Centres Design Guide explains that:

- **Primary streets** are at the core of the neighborhood and include the central part of any ‘main street’.
- **Secondary streets** are connected to primary streets and spaces, and likely to change use over time

The design guide further expands on what Council will look at when resource consent is required for new development along one of these identified frontages. The Committee considered that the wording from the Centres Design Guide detailed below is quite explicit in what is expected. The key messages are as follows:

- The building should be at the street edge unless any setback is an integral part of a coherent public space plan for the street.
- Blank walls at the street edge should be avoided.
- Display windows or doors should comprise the majority of the frontage.
- Entries and exits to car parks should be located not to compromise pedestrian amenity.
- Canopies and verandahs are required at the street edge, and these will generally provide continuous shelter over footpaths.
- Fine grain of frontage is important, with frontages desirably not wider than in the order of 8-10 metres on primary streets, and 20 metres on secondary streets.

The following table was included in the Officers’ Report and the Committee found it useful in explaining what stage resource consent will be triggered and what will be expected from new developments:

<b>DPC 73 Standards that apply to primary and secondary frontages</b>	
<b>Primary Frontages</b>	<b>Secondary Frontages</b>
Applicable Standards: <ul style="list-style-type: none"> <li>• No new vehicle access to the front of the site</li> <li>• No vehicle parking areas at ground floor</li> <li>• Verandahs requirement</li> <li>• Display window requirement</li> <li>• No residential activities at ground floor</li> <li>• Minimum building heights</li> <li>• Application of a floor to floor stud height</li> </ul>	Applicable Standards: <ul style="list-style-type: none"> <li>• No residential activities at ground floor</li> <li>• Minimum building heights</li> <li>• Application of a floor to floor stud height</li> </ul>

Essentially, the standards will trigger resource consent which will then be assessed using the Centres Design Guide. The Committee noted that the primary frontage standards were far more encompassing than secondary frontage standards, in that Council can constructively manage the final result of streetscapes. Secondary frontage standards do not have the same level of influence.

Given Council’s explicit obligation under the RMA to maintain and enhance values that are important to the public environment, the Committee considered it entirely

appropriate to assess how a development will fit in with its suburban or commercial context through the identification of street frontages and assessment tools in the Plan. This, balanced with the fact that identified street frontages and associated rules have been used comprehensively in the District Plan since 1994, the Committee felt that identifying important street frontages was an appropriate mechanism in ensuring the amenity values of the built environment are upheld and improved

### Submissions

**Submitter 117 (New Zealand Transport Agency)** requested that planning maps 43-46 be amended to show restricted road frontages. The submission raises concerns that if the proposed planning maps, which do not show any restricted street frontages, are adopted into the District Plan then access would be permitted across every frontage.

At the hearing, the submitter's Planner, Angela Penfold pointed out that restricted road access maps 43-46 have been replaced by Maps 43-49A in Plan Change 73 and that these maps do not provide for restricted road frontages. Ms Penfold considered it important that some form of access restriction is provided along state highway road frontages and therefore requested that the maps showing the current operative restricted road frontages along Taurima Street, Ruahine Street, Wellington Road, Cobham Drive and Calabar Road be reinstated.

Officers informed the Committee that this was a drafting error and that the restricted road frontage maps should be included in the plan change. This was accepted by the Committee and it was agreed that these maps should be reinstated.

**Submitter 64 (Foodstuffs (Wellington) Co-operative Society Ltd)** requested that the secondary street frontages applying to the submitter's sites at Miramar, Kilbirnie, Rugby Street and Newlands be deleted. The written submission asserted that there are secondary frontages identified that are unwarranted, illogical, unnecessary and will trigger additional costs and risks for the submitter. Some of the secondary street frontages identified are inconsistent with new development (i.e. Miramar New World and Kilbirnie Pak n Save) and/or the advice received from the Council's urban design and strategic planning team as to preferred site layout, orientation of buildings, verandahs, and active edges (i.e. the proposed Newlands New World).

The Officers' Report disagreed that the frontages map for the Newlands and Mt Cook centres secondary street frontages should be deleted and explained in more detail how the provisions would be applied.

At the hearing, planner Peter Coop spoke on behalf of the submitter. Mr Coop explained that given the nature and extent of the changes recommended in the Officers' Report, the submitter was now relaxed regarding the introduction of frontages to their sites.

During the hearing question time, the Committee was particularly keen to hear information on the logistics of building supermarkets and the potential urban design challenges that they face. Mr Coop was of the view that, whilst urban design requirements could pose problems for new supermarket developments, this was an accepted part of the process and that the key to gaining resource consent was flexibility from all parties. The Committee found Mr Coop's responses well considered and helpful.

**Submitter 31 (Wellington City Council)** requested that the Newlands primary and secondary street frontages map on planning map 49A be updated to reflect further work being undertaken on the draft Newlands Centre Plan. This request, shown in the map below, was acceptable to the Hearing Committee.



**Submitter 26 (Shell New Zealand Ltd – now Greenstone Energy Limited)** requested that the Secondary Street Frontage classification be deleted from the Shell service station sites at Strathmore, Kilbirnie and Crofton Downs. The submission asserted that the justification for Secondary Street frontages was unclear and not adequately justified. Provision for service stations within Centres should be an important consideration of the Wellington City District Plan. Appropriate locations for service stations include corner sites at the edge of Centres. The submission asserted that future redevelopment of these sites could be unreasonably constrained because of the Secondary Street Frontage classification and for this reason it should be deleted from these sites.

At the hearing the submitter’s Planner, Keith Cullum, presented evidence on this issue. He considered that the concept of secondary frontages is inadequately justified in either the Operative District Plan or proposed Plan Change 73. He did not accept that the operative District Plans reference to verandah and display windows (in Maps 47-49) was implicit rationale for the frontages proposed under the plan change. He observed that there was no formal definition for secondary frontage and that their purpose intent was clouded.

Mr Cullum disagreed with the Officers’ Report that stated the secondary frontage requirements were not overly restrictive. He felt that that the minimum building height and control over open vehicle parking areas was discriminative and would pose problems for service stations.

Mr Cullum also expanded on why he considered the individual Shell sites at Kilbirnie (Coutts Street), Strathmore (Broadway) and Crofton Downs (Churchill Drive) should not have a secondary frontages applied.

As discussed in the general urban design section 4.5.1 of this Decision Report, the Hearing Committee had sympathy for the points that Mr Cullum raised in the written submission and at the hearing and acknowledged that there was often a tension

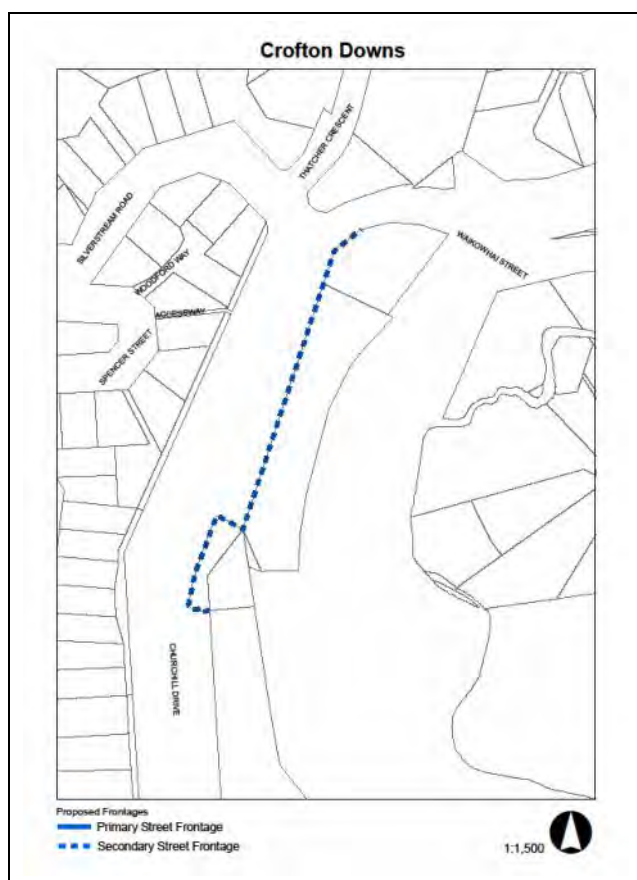


between standard company model fit and the Council's urban design objectives and policies.

The Committee agreed that service stations are a valued urban activity and play an important role in the community. Nevertheless, the Committee felt that the standard service station model fit may not always be compatible with urban design requirements. The Committee was of the firm that there should be no presumption by vehicle-orientated activities that a standard use of company design, layout and branding should override key urban design and character considerations for Wellington city.

The Committee acknowledged that there is a distinct difference between already established vehicle-orientated activities and those that are newly proposed in a Centre, but maintain in both scenarios, new development should be appropriately designed.

Fundamentally, the Committee was of the view that Policies 6.2.3.3 and 6.2.3.4 which deal with primary and secondary frontages and were robust and justified and did not need amending. It was decided however, that changes would be made to the explanation text to help provide better recognition vehicle-orientated activities such as service stations (refer to Appendix 3 – annotated chapters). Given these changes, the Committee did not support the removal of the primary and secondary frontage from the submitter's sites.



**Submitter 108 (Progressive Enterprises Limited)** also requested that the secondary frontage at Crofton Downs be removed. This submission was supported by **Further submission 2 (Shell New Zealand Ltd – now Greenstone Energy Limited)**.

The Hearing Committee agreed that the topography poses difficulty in public connectivity with the site, and that it is inappropriate to apply a secondary street frontage. Therefore it was decided that this submission be accepted in this regard and the frontage map for Crofton Downs be amended as shown in this map.

**Submitter 13 (Antipodean Properties Ltd (Kilbirnie))** requested that the Primary Frontage on the Coutts Street frontage to the Kilbirnie Woolworths site be amended to a Secondary Frontage (Map 45). The submission considered that an amendment will allow for the existing service access to the Woolworths store from Coutts Street to be retained and to provide flexibility in terms of layout options for

any future redevelopment of the site. **Further submission 1** supported this submission.

**Submitter 14 (Antipodean Properties Ltd (Johnsonville))** also requested that the extent of the Primary Road frontage on Johnsonville Road be amended to recognise the existing vehicular access points to the Warehouse/ Woolworths site (Map 48). In association with this, the submission also requested that Council apply a 'Secondary Frontage' notation to the small section of proposed Primary Frontage, south of the main vehicular access into the Woolworths/ Warehouse site. **Further submission 1** supported this submission

Planner, Alasdair Scott presented evidence on behalf of the submitter. Mr Scott confirmed that the proposed amendments in the Officers' Report to Standards 7.6.1.7.11 and 7.6.1.7.14 (Discussed in section 4.9.7 of this Decision Report) deliver the relief sought by the submitter, albeit by different means.

The Committee was satisfied with this response and made no further changes in this regard.

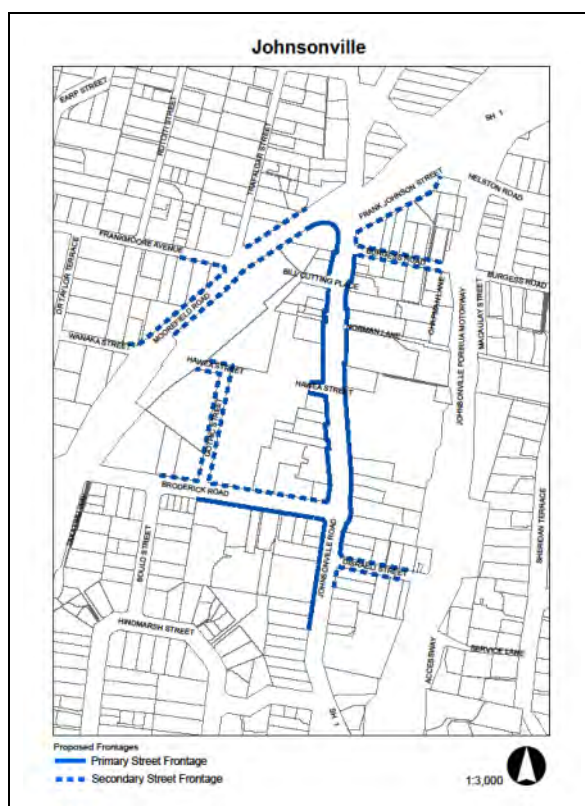
**Submitter 78 (DNZ Property Group Limited)** opposed the identification on Planning Map 48 (Johnsonville) of the primary and secondary street frontages on the former Hawea Street alignment between Johnsonville Road and Moorefield Road. Similarly, **submitter 31 (Wellington City Council)** sought that the Johnsonville primary and secondary street frontages map on planning map 48 be amended to delete the primary and secondary frontages on land not fronting a legal road or public space. **Further submission 13** supported this submission.

The Officers' Report agreed that was not appropriate to apply identified primary and secondary street frontages on sites that do not front legal road or a public space.

At the hearing, **Submitter 78's** Planner, Alistair Aburn, agreed with the Officers' Report regarding the Johnsonville street frontage maps. This position was also supported by the Hearing Committee and it was decided that the Planning Map 48 be amended as shown above.

**Submitter 103 (McDonald's Restaurants (New Zealand) Limited)** opposes the identification of the McDonald's restaurant site at the corner of Johnsonville Road and Moorefield Road, Johnsonville, within both a Primary and Secondary Street Frontage. As such, the submission requested that the length of frontage identified as primary street frontage to the McDonald's restaurant site at the corner of Johnsonville Road and Moorefield Road, Johnsonville, on Planning Map 48 be the same as that shown on Planning Map 43 of the Operative District Plan and that the Secondary Street frontage notation on Planning Map 48 be deleted from the Moorefield Road frontage of the site.

At the hearing the submitter's Planner, Jennifer Hudson, explained that the company did not wish to pursue this part of their submission given that future redevelopment



of the adjacent land will incorporate comprehensively planning vehicle access and the terms of McDonald's lease require the landowner to maintain appropriate access to the restaurant site.

In this regard, the Committee was satisfied with this response and had no changes to this frontage.

**Submitter 103** also requested that the primary street frontage notation be deleted from 190 Riddiford Street, Newtown. The reasons cited in the submission included:

- The restaurant and drive through have been established for more than 15 years and the Company's expectation is that it will remain on the site for the foreseeable future
- The site layout and vehicle oriented nature of the activity are appropriate for the location, particularly as there is a supermarket directly opposite.
- The frontage of the supermarket is not identified as a Primary Street frontage.
- The location of two vehicle oriented activities opposite one another creates a logical boundary between the pedestrian oriented character area to the north, and the fringe area utilized by vehicle oriented activities.
- The inclusion of the McDonald's site within the Primary Street frontage imposes unnecessary hurdles in obtaining resource consents for ongoing modifications to the existing building.
- There is no continuation of the Primary Street notation to the south of the site.

At the hearing, Ms Hudson explained that the site had recently gained resource consent to upgrade the 1980s building which is set back from the road to accommodate a drive-through and vehicle access. Ms Hudson spoke of the consenting process and how it was not possible to fully extend this building to the street frontage.

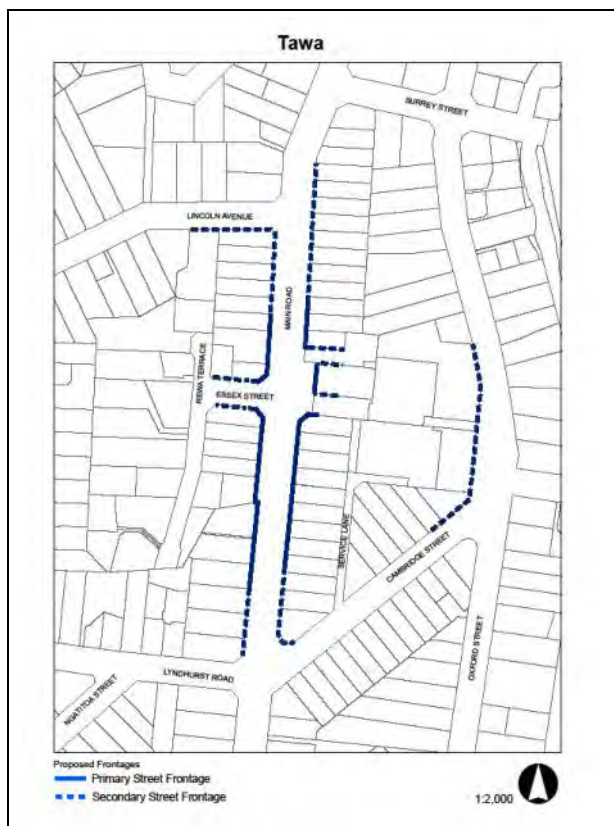
Ms Hudson acknowledged the Officers' Report recommended changes to Policies 6.2.3.3 and 6.2.3.4, but did not agree that the McDonalds site was within the commercial core area of Newtown.

During question time by the Committee, Ms Hudson was asked about future redevelopment options as well as various questions around vehicle orientated activities, public transport and pedestrians. Finding the balance in managing public transport, pedestrian presence in centres and fringe activities such as drive-through restaurants is discussed in further detail under the multi-modes of transport section 4.9.2 of this Decision Report.

As discussed in the general urban design section 4.5.1 of this Decision Report, the Committee acknowledged that there was often a tension between vehicle-orientated activities (requiring setbacks and room to accommodate parking and other drive-through uses) and the built street edge focus of the Plan Change primary and secondary frontages. The Committee acknowledged the urban design requirements could be somewhat challenging for already established sites too meet. However, essentially the Committee was of the view that primary and secondary street frontages were an important tool in managing the public streetscape appearance of Wellingtons Centres. Changes have been made to the explanations of Policies 6.2.3.3 and 6.2.3.4 to better acknowledge vehicle-orientated activities and the Hearing Committee consider that this provides scope for both Council and property owners to negotiate mutually beneficial outcomes. With this in mind, the Committee could not support Submitter 103's request that the primary street frontage notation be deleted from 190 Riddiford Street, Newtown.

Submitter 31 (Wellington City Council) requested that the Tawa Town Centre frontages map be included onto planning maps 43-49A. The Hearing Committee recognised that this had been inadvertently omitted from the Plan Change when notified and agreed that this should be rectified. The Committee noted however that as planning maps 43-46 showing restricted road frontages are to be reinstated, the frontage planning maps are required to be renumbered. The amended Tawa Town Centre frontage map is as shown right.

The Committee also decided to take this opportunity to remove superfluous frontages from sites not currently zoned Centres, which were inadvertently included in the notified version; and alphabetically re-order the frontage maps for ease of use.



### Recommended Decisions

- **Accept** submission 117 insofar as it requests reinstating planning maps 43-46 to show restricted road frontages and renumbering proposed frontages maps 43-49A to 47, 48, 49, 49A, 49B, 49C, 49D, 49E.
- **Reject** submission 64 insofar as it requests that the secondary street frontages applying to the submitter's sites at Miramar, Kilbirnie, Rugby Street and Newlands be deleted.
- **Accept** submission 31 insofar as it requests that the Newlands primary and secondary street frontages map on planning map 49A be updated to reflect further work being undertaken on the draft Newlands Centre Plan.
- **Reject** submission 13 insofar as it requests downgrading the primary frontage status of the Kilbirnie Woolworth site on Coutts Street.
- **Reject** Submission 26 insofar that it requests that the secondary street frontages be deleted from the Shell service station sites at Strathmore, Kilbirnie and Crofton Downs.
- **Accept** submission 108 insofar as it requests removing the secondary frontage from Churchill Drive, Crofton Downs.
- **Accept** submission 78 insofar as it requests amending the street frontages map of Johnsonville (Map 48).
- **Accept** submission 31 insofar as it requests amending the street frontages map of Johnsonville to delete the primary and secondary frontages on land not fronting a legal road or public space (Map 48).
- **Reject** submission 14 insofar as it requests amending the extent of the Primary Road frontage on Johnsonville Road to recognise the existing

vehicular access points to the Warehouse/ Woolworths site (Map 48). In association with this, apply a 'Secondary Frontage' notation to the small section of proposed Primary Frontage, south of the main vehicular access into the Woolworths/ Warehouse site.

- **Reject** submission 103 insofar as it requests that the primary street frontage notation be deleted from 190 Riddiford Street, Newtown.
- **Reject** submission 103 insofar as it requests that the length of frontage identified as primary street frontage on Planning Map 48 be the same as that shown on Planning Map 43 of the Operative District Plan.
- **Accept** submission 31 insofar as it requests including the Tawa Town Centre frontages map onto planning maps 47, 48, 49, 49A, 49B, 49C, 49D, 49E.

#### 4.5.4 Bulk and location

##### 4.5.4.1 Building mass

###### Submissions

Specific issues raised in submissions include:

- Building mass included in the calculation for site coverage (**Submission 9**).
- Amend standard heading 7.6.2.2 and standard 7.6.2.2.1 relating to building mass so that they read as follows:

**7.6.2.2 Building Mass in ~~Mt Cook Town Centre and Johnsonville Sub-Regional Centres and Mt Cook Town Centre only~~ (as listed in Appendix 1)**

*7.6.2.2.1 No building (or buildings) within Zone 2 of the Johnsonville Sub-Regional Centre or Zone 2 of the Mt Cook Town Centre shall have a mass in excess of the total building mass (volume) for the site. Total building mass (volume) is calculated using the following formula: ... (Submission 31).*

###### Discussion

**Submission 9** requested that in Centres building mass should be included in the calculation for site coverage. The submission did not offer any other explanation or justification. The Hearing Committee also noted that there is 100% site coverage for most buildings in Centres, and was unclear what value would be added by including building mass in the calculation for site coverage. For these reasons, the Committee considered it appropriate to reject **Submission 9**.

**Submission 31** sought the amendment of standard heading 7.6.2.2 and standard 7.6.2.2.1 relating to building mass. The Committee considered it appropriate to accept this submission to help clarify the intent of the rules.

###### Recommended Decisions

- **Reject** submission 9 insofar as it requests that building mass should be included in the calculation for site coverage.

- **Accept** submission 31 insofar as it requests that standard heading 7.6.2.2 and standard 7.6.2.2.1 relating to building mass be amended.

#### 4.5.4.2 Building heights – general

##### Submissions

Specific issues raised in submissions include:

- Amend wording of Rule 7.3.7.1 to clarify that it is the effects generated by the additional building height sought that are to be assessed (**Submission 64**).
- Amend Standard 7.6.2.1.2 (minimum buildings heights) exempting frontages of buildings and structures greater than 50% of the existing frontage so that Standard 7.6.2.1.2 reads as follows:
 

*New buildings or structures or additions to the frontages of buildings and structures greater than 50% of the existing frontage along any primary or secondary street frontages in Centres, as identified on Maps 43 to 49AA, shall have a minimum height of 7m (**Submission 103**).*
- Delete Standards 7.6.2.1.2 and 7.6.2.1.3 relating to minimum building heights (**Submission 108**).
- Specify that Standard 7.6.2.1.2 does not apply to service stations located on a Secondary Street Frontage (**Submission 26**).
- In Table 1 of Standard 34.6.2.1.1, change name of Tawa East to Tawa Junction, and move Takapu Island from Business 2 Areas to Business 1 Areas (**Submission 31**).
- Submission supports raising height from 12m to 18m (**Submission 94**).

##### Discussion

**Submission 64** sought the amendment of the wording of Rule 7.3.7.1 to clarify that it is the effects generated by the *additional building height sought* that are to be assessed. **Further submission 13** supported this submission. At the hearing, Peter Coop on behalf of **submitter 64** (Foodstuffs (Wellington) Co-operative Society Ltd) advised that he concurred with the Officers' report confirming the concerns raised in the submission. The Committee considered it appropriate to amend this rule and thus accepted submission 64.

**Submission 103** opposed the application of Standard 7.6.2.1.2 (minimum buildings heights) to additions to buildings and structures along any Primary or Secondary Street Frontages in Centres. **Further submission 2** supported this submission. Submission 103 asserted that additions to buildings and structures may not necessarily involve additions to the vertical mass of the building and a rule requiring a minimum building height may result in undesirable outcomes not anticipated by the Plan Change.

At the hearing, Jenny Hudson on behalf of **submitter 103** (McDonald's Restaurants Limited) expanded on the submission by stating that an existing building has an architectural style and relationship to its neighbours which makes it impractical and potentially unreasonable to require relatively minor changes to be justified in the context of a rule requiring a minimum heights.

The Committee accepted that the standard should be clarified to refer to additions to the frontages of buildings. Where an addition is not related to an existing frontage it would be appropriate to require a 7m height. However it is not accepted that this should be further qualified by reference to change to 50% of the frontage. In some circumstances, existing sites may have a significant length of frontage and it would be appropriate to require a minimum height for new additions. Where this may not be appropriate the option remains for the applicant to seek a different outcome through a resource consent application. The Committee decided therefore to accept this submission in part only. The new standard should be worded as follows:

*7.6.2.1.2 New buildings or structures or additions to the frontages of buildings and structures along any primary or secondary street frontages in Centres, as identified on Maps 43 to 49AA, shall have a minimum height of 7m. This standard does not apply where Standard 7.6.2.3.1 applies.*

**Submission 108** sought the deletion of Standards 7.6.2.1.2 and 7.6.2.1.3 relating to minimum building heights along identified primary and secondary street frontages. **Further submission 2** supported this submission in deleting Standard 7.6.2.1.2.

**Submission 26** sought that Standard 7.6.2.1.2, relating to minimum building heights along identified primary and secondary street frontages, does not apply to service stations located on a Secondary Street Frontage.

As previously discussed in this report, primary and secondary street frontages have been identified within Centres with the aim of ensuring that they place visible publicly-relevant activities at the edges of buildings to help communicate how the building is being used and occupied. Council will therefore require high standards of urban design for new buildings and structures, especially if they are located on primary and secondary street frontages, as well as significant additions and alterations in Centres through design guidance assessment.

Given the importance of primary and secondary street frontages, the Committee agreed with Officers that there should be no exemptions for certain activities, such as service stations, relating to minimum building heights along identified primary and secondary street frontages. As previously discussed in section 4.5.3 of this report, the Committee was of the view that the specific design of any development proposal for a service station can be considered as part of a resource consent application.

The Committee was of the view however that the standards relating to minimum building heights along primary and secondary street frontages should be clarified as follows:

#### **7.6.2.2 Minimum building height**

~~7.6.2.1.2~~ 7.6.2.2.1 New buildings or structures or additions to the frontages of buildings and structures along any primary or secondary street frontages in Centres, as identified on Maps 43 to 49AA, shall have a minimum height of 7m. This standard does not apply where Standard 7.6.2.3.1 applies.

~~7.6.2.1.3~~ 7.6.2.2.2 The ground floor to floor (stud) height of all new buildings along primary and secondary street frontages in Centres, as identified on Maps 43 to 49AA, shall be at least one-third higher than the upper storey(s) of the building.

#### **7.6.2.3 Height control adjoining Residential Areas**

~~7.6.2.1.4~~ 7.6.2.3.1 Any building or structure must comply with the applicable building recession plane rule for the Residential Area at any point along a boundary adjoining the Residential Area. In addition, no building or structures in Centres shall be higher than 3 metres within 5 metres of a Residential Area boundary.

**Submission 31** sought an amendment to Table 1 of Standard 34.6.2.1.1 to change the name of Tawa East to Tawa Junction, and to move Takapu Island from Business 2 Areas to Business 1 Areas. The Committee considered it appropriate to accept these minor changes as they will help clarify the intent of the standards.

The support of **submission 94** was accepted by the Committee.

#### Recommended Decisions

- **Accept** submission 64 insofar as it requests amending the wording of Rule 7.3.7.1 to clarify that it is the effects generated by the additional building height sought that are to be assessed.
- **Accept in part** submission 103 insofar as it requests amending Standard 7.6.2.1.2 (minimum buildings heights) to refer to frontages of buildings and structures.
- **Reject** submission 108 insofar as it requests deletion of Standards 7.6.2.1.2 and 7.6.2.1.3 relating to minimum building heights.
- **Reject** submission 26 insofar as it seeks that Standard 7.6.2.1.2 does not apply to service stations located on a Secondary Street Frontage.
- **Accept** submission 31 insofar as it requests, in Table 1 of Standard 34.6.2.1.1, changing the name of Tawa East to Tawa Junction, and move Takapu Island from Business 2 Areas to Business 1 Areas.
- **Accept** submission 94 insofar as it supports raising heights from 12m to 18m.

#### **4.5.4.3 Building heights – Johnsonville**

##### Submissions

Specific issues raised in submissions include:

- Submission supported proposed building height increases in the Johnsonville Town Centre (**Submission 96**).
- Amend maximum permitted height of Johnsonville to 18m for the entire corner site of 2-4 Johnsonville Road, Johnsonville (**Submissions 25 and 29**).
- Within the Johnsonville Sub-Regional Centre, within 50m of a site currently used for residential purposes have a height limit of 12m, land between 50m and 100m of a residential property have a height limit of 18m, and land over 100m from a residential property have a height limit of 24m (**Submission 55**).

##### Discussion

**Submission 55** sought that within the Johnsonville Sub-Regional Centre, within 50m of a site currently used for residential purposes to have a height limit of 12m, land between 50m and 100m of a residential property to have a height limit of 18m, and land over 100m from a residential property to have a height limit of 24m.



As part of the completion of the Johnsonville Town Centre Plan (adopted November 2008), height modelling was undertaken which investigated the potential implications of increasing height limits in the Johnsonville Town Centre. Any changes to the proposed height zones for Johnsonville (Appendix 1B of Chapter 7) would require further investigation to determine potential effects of dominance, shading etc. The Committee supported the proposed height limits and considered that the approach proposed by submitter 55 would not be an appropriate way of addressing maximum permitted building heights and potentially could result in sub-optimal urban design outcomes and more than minor environmental effects. For these reasons, the Committee rejected this submission.

**Submissions 25 and 29** requested that the proposed maximum permitted height of 18m be amended to include the entire corner site of 2-4 Johnsonville Road, Johnsonville. The Hearing Committee considered it inappropriate to increase the maximum permitted building height to 18m over the entire site, as the increased height for the corner reflects the opportunity to create a landmark building on this site and this consideration does not apply to that part of the site to the south. The Hearing Committee considered it more appropriate and more likely to result in better urban design outcomes, to retain discretion for any buildings exceeding 12m on the southern part of the site. For these reasons, the Committee rejected submissions 25 and 29.

The support of **submission 96** was accepted by the Committee.

#### Recommended Decisions

- **Accept** submission 96 insofar as it supports the proposed building height increases in the Johnsonville Town Centre.
- **Reject** submissions 25 and 29 insofar as they request that the maximum permitted height of Johnsonville be amended to 18m for the entire corner site of 2-4 Johnsonville Road, Johnsonville.
- **Reject** submission 55 insofar as it requests that within the Johnsonville Sub-Regional Centre, within 50m of a site currently used for residential purposes have a height limit of 12m, land between 50m and 100m of a residential property have a height limit of 18m, and land over 100m from a residential property have a height limit of 24m.

#### **4.5.4.4 Building heights – Miramar**

##### Submissions

Specific issues raised in submissions include:

- Include new Permitted Building height in Standard 34.6.2.1 for the Burnham/Miramar Wharf Land area of 18m (**Submission 22**).
- Provide for a new rule that states that the maximum permitted building height for the Burnham/Miramar Wharf Land must not exceed 40m (**Submission 22**).
- Amend Rule 34.3.9.10 to exclude the Operational Port Area (Burnham/Miramar Wharf Land) (**Submission 22**).

## Discussion

**Submission 22** requested amendments to the permitted building heights for the Burnham/Miramar Wharf Land area. The submission noted that the Plan Change has specifically provided for the Operational Port Area at Miramar/Burnham as a Business 2 Area, with a specific focus on industrial activities. The submission asserted that operational port buildings and structures tend to be somewhat unique in style and size and to a limited degree this has been recognised under Standard 34.6.2.1.1. This standard provides for higher permitted building heights for cranes, elevators and similar cargo handling equipment and lighting poles in the Miramar/Burnham Operational Port Area. The submission however noted that this standard does not provide for cargo storage buildings and structures such as silos, tanks and warehouses, which have typical heights of 40, 30 and 18 metres respectively.

The submission asserted the current 12 metre height limit (with discretion to build up to 18 metres) is inadequate for Operational Port buildings and structures. As a result, **submission 22** requested a higher permitted building height for the Burnham/Miramar Wharf Land area of 18 metres.

**Submission 22** also requested that Rules 34.3.9.10 and 34.3.9.13 be amended as follows (changes underlined):

**34.3.9** The construction or alteration of, or addition to buildings and structures which would be a Permitted, Controlled or Discretionary (Restricted) Activity but that does not meet one or more of the following standards outlined in section 34.6.2 (buildings and structures), are Discretionary Activities (Restricted). Unless otherwise noted below, discretion is limited to the effects generated by the standard(s) not met:

**34.3.9.1** height (standard 34.6.2.1)

- design, external appearance and siting
- the amenity of adjoining properties
- sunlight access to streets, public space, or residential buildings in Residential Areas
- the character of the surrounding streetscape, including the form and scale of neighbouring buildings
- the impact of wind from additional building height on pedestrian amenity and safety, particularly at surrounding building entries

**34.3.9.2** ...

subject to compliance with the following conditions:

**34.3.9.10** in all Business Areas, except for Grenada North, and Ngauranga and the Operational Port Area (Burnham/Miramar Wharf Land), the maximum building height assessed under standard 34.6.2.1.1 must not be exceeded by more than 50 percent.

**34.3.9.11** in Grenada North and Ngauranga, the maximum building height assessed under standards 34.6.2.1.1 must not be

exceeded by more than 33 percent.

**34.3.9.12** in relation to height control adjoining Residential Areas, the angle of inclination for recession plane access must not exceed the standard referred to in 34.6.2.2.1 by more than 10 degrees and the maximum height must not be exceeded by more than 20 percent.

**34.3.9.13** in the Operational Port Area (Burnham/Miramar Wharf Land) the maximum building height must not exceed 40 metres.

**Further submission 12** (Wellington International Airport Limited (WIAL)) opposed submission 22 in that it asserted that buildings 40 metres high in this area would penetrate the WIAL designated Obstacle Limitation Surface (Designation G2 – see District Plan Map 37). Such a penetration in close proximity to the threshold of Runway 16 would impact on airport operations and ultimately reduce the operating capacity of Wellington Airport. While the submission does not object to buildings in this area per se, care must be taken to ensure these critical operational surfaces are not jeopardised through inappropriate development.

At the hearing, Neville Hyde, on behalf of submitter 22 (CentrePort Limited), reiterated that CentrePort needs to ensure that it can optimally use its land and the adjoining Burnham Wharf. If it is to be constrained with unrealistic height limits for port structures and buildings it is likely that it still not be able to justify, in the longer term, maintenance of Burnham Wharf for its current limited use of accommodating tankers discharging aviation fuel.

Nick Petkov, Planning and Technical Officer for WIAL, advised the Committee that silos up to the requested 40m height limit would penetrate the aerodrome's Transitional Side Surface (as indicated on District Planning Map 37) by an estimated 5-6 metres.

On considering both submissions, the Hearing Committee did not support the request for increased permitted building heights in the Burnham/Miramar Wharf Land area. The Committee noted that the area is a very prominent site at the entrance to the Miramar Peninsula and that increased permitted buildings heights at the scale requested by the submission are likely to have significant visual impacts. Increased heights of 40 metres will penetrate the WIAL designated Obstacle Limitation Surface and therefore may impact on airport operations.

#### Recommended Decisions

- **Reject** submission 22 insofar as it requested increased permitted building heights for the Burnham/Miramar Wharf Land area and exemptions from the rule controlling buildings and structures located over the street.

#### **4.5.4.5 Building heights – Kilbirnie**

##### Submissions

Specific issues raised in submissions include:

- Apply an 18m permitted height limit at the Woolworths Kilbirnie site, and flexibility for increases up to 24m as a Restricted Discretionary Activity (Standards 7.6.2.1 and 7.3.7.11) (**Submission 13**).

- Amend the permitted building heights in Standard 7.6.2.1.1 (Table 1) of 24m for the Kilbirnie Bus Barns site (**Submission 79**).
- Include in Appendix 1 of Chapter 7 a Masterplan for the Kilbirnie Bus Barns site, confirming a maximum permitted building height of 24m (**Submission 79**).

### Discussion

**Submission 13** requested that Council apply an 18m permitted building height for the Woolworths site at Kilbirnie with scope provided for heights up to 24m as a restricted discretionary activity. The submission considered that this approach would be consistent with the approach for the Johnsonville Sub-Regional Centre, and asserted that retention of the existing operative District Plan's permitted height limit for the Woolworths site of 12m would only serve to stifle future redevelopment and intensification options.

Similarly, **submission 79** sought to increase the permitted height limit proposed for the Kilbirnie Bus Barns site to 24m, to be confirmed through a Masterplan for the site. **Further Submission 15** opposed this submission on the basis that the 24m height would be incongruous with the local environment and seriously detrimental to the streetscape character of Onepu Road and nearby properties on Ross Street. **Further submission 13** conditionally supported this submission provided that it was matched by a suitable height increase within the core area to the Kilbirnie Centres, including the submitter's Woolworths site between Bay Road and Onepu Road.

The Hearing Committee noted that Council consulted on the draft Kilbirnie Town Centre Plan during May and June 2010. The draft town centre plan recommends reviewing District Plan provisions (including building height) that apply to the Centre and bus barns site to enable mid-rise development and to increase development intensity of the town centre.

**Submitter 13** (Antipodean Properties Ltd (Kilbirnie) appeared at the hearing and advised that whilst they recognised that a comprehensive approach was needed, they considered that the Kilbirnie Town Centre Plan was sufficiently progressed to enable the Council to commit within DPC 73 to an 18m permitted height at the Woolworths site and give due consideration to the other few key sites opportunity sites identified in the Kilbirnie Town Centre Plan. The submitter considered that this could be achieved by inclusion of a similar 'Heights Zone Plan' for Kilbirnie as has been produced for the Johnsonville Centre (refer Appendix 1 of DPC 73).

At the hearing, **submitter 79** (Infratil Property Infrastructure Ltd) advised that they considered that additional height for the Bus Barns site was appropriate because:

- Kilbirnie has been recognised in the proposed Regional Policy Statement and the Plan Change as a regionally significant centre;
- the draft Kilbirnie Town Centre plan supported additional building height;
- further work recommended by the Officers would result in delays to the developer; and
- a maximum permitted 12 metre building height will not achieve the desired intensification of development.

The submission advised that as an alternative relief to the 24 metre maximum permitted building height requested they would accept 18 metres as a permitted activity, with 24 metres as a Discretionary Activity (Restricted). The submission also

considered that sufficient work has been done by Council to increase heights on the Bus Barns site and that a delay would just be a hindrance to the development.

Whilst the Committee was relatively comfortable with the concept of an increase in scale, height and intensity for Kilbirnie, the Committee noted that it would be premature to do so until further work was carried out to better identify the specific District Plan response for dealing with building heights and which areas increased scale may be appropriate. To this effect, the Committee considered:

- it important to consider building heights for the centre as a whole, not for individual sites only
- that increases in building height, if not managed appropriately, have the potential to create considerable adverse effect. The Committee did not consider it appropriate to amend building heights without considering whether changes might be necessary to other bulk and location provisions and urban design controls.

On this basis, the Committee rejected submissions requesting increases in height for individual sites at this time until further work is carried out to determine where and the extent to which heights should increase for the centre as a whole. Upon completion, it is anticipated that this further work will be able to be fed into the district planning process via a variation to DPC 73.

#### Recommended Decisions

- **Reject** submission 79 insofar as it requests that the permitted building heights in Standard 7.6.2.1.1 (Table 1) for the Kilbirnie Bus Barns site be amended.
- **Reject** submission 13 insofar as it requests an 18m permitted height limit at the Woolworths Kilbirnie site, and flexibility for increases up to 24m as a Restricted Discretionary Activity (Standards 7.6.2.1 and 7.3.7.11).

#### **4.5.5 Buffer between zones/ building recession planes**

##### Submissions

Specific issues raised in submissions include:

- Proposed Centres zones adjacent to residential areas should have lower height restrictions, preferably 8m, or if higher buildings, should be further than 3m from site boundaries. In addition, buildings should have a sunlight angle of 30 degrees on the southern side (**Submission 38**).
- Strengthen the zone interface policies and rules to ensure an appropriate transition between the Aro Valley Centre and the surrounding residential area (**Submission 93**).
- Requests adequate buffer zone requirements between Centres and Residential Areas particularly reduced wall heights, sunlight shading, lighting spill, signage limitations etc (**Submission 77**).
- ‘Building recession planes’ should be renamed ‘building and sunlight recession planes’ to better reflect the matters that planes are intended to manage (**Submission 9**).
- Amend wording of Rules 7.3.7.13 and 34.3.9.12 relating to building recession planes (**Submission 31**).

- Amend Standard 7.6.2.1.4 relating to building recession planes to take into account building orientation and sunlight planes (**Submission 108**).
- Amend Standards 7.6.2.4.1 and 34.6.2.4.1 to only apply to windows in walls of buildings above ground level (**Submission 103**).

### Discussion

**Submission 38** requested that the proposed Centres zones adjacent to residential areas should have lower height restrictions, preferably 8m, or if higher buildings should be further than 3m from site boundaries. In addition, **submission 38** requested that buildings should have a sunlight angle of 30 degrees on the southern side.

The submitter specifically referenced the interface in Karori Town Centre where the commercial boundary containing the old St John's building and the Recreation/Community Centre buildings abut residential properties fronting Campbell and Beauchamp Street.

The Committee noted that Council has retained the existing standards from the operative District Plan relating to a maximum permitted building height of 3 metres within 5 metres of a Residential Area boundary. In addition, the standard has been tweaked to ensure that any building or structure must comply with the applicable building recession rule for the Residential Area at any point along a boundary adjoining the Residential Area. Outer Residential Areas contain a standard building recession plane of 45 degrees along all boundaries. This change will discourage tall buildings right up to the boundary, causing an unreasonable sense of enclosure or undue shadowing and lack of privacy to residential neighbours. The Committee considered that there is appropriate protection for residential properties and recommended retention of the existing controls that apply along shared boundaries between the residential and centre zones. For these reasons, the Committee rejected **submission 38**.

**Submission 93** requested the strengthening of the zone interface policies and rules to ensure an appropriate transition between the Aro Valley Centre and the surrounding residential area.

The Committee noted that there are policies, rules and standards in place to help mitigate any potential adverse effects of development within the Aro Valley Centre and the surrounding residential area and that there are no proposed changes to the bulk and location provisions relating to the existing Aro Valley Centre. The only potential change to Aro Valley is as a result of submissions on DPC 73, where there has been a request to rezone the former service station site at 68-82 Aro Street. The Hearing Committee was confident that the proposed provisions were adequate to provide sufficient protection to the amenity of adjoining residential areas. For this reason, the Committee rejected **submission 93**.

**Submission 77** raised concerns that the (Neighbourhood) Centre rules in the plan change provided no relief to residential neighbours by way of buffer zone requirements, reduced boundary wall heights, sunlight shading, lighting spill, signage limitations etc, and that whether these boundaries are on primary or secondary streets has no bearing on the amenity impact to immediate residential neighbours.

The Committee recognised that the interface between Centres and adjacent Residential Areas is particularly sensitive, and that the effects generated by activities and developments within Centres can impact adversely on residential properties and enjoyment of their amenity values.

For these reasons, Council has retained the existing standards from the operative District Plan relating to a maximum permitted building height of 3 metres within 5 metres of a Residential Area boundary. In addition, the standard has been tweaked to ensure that any building or structure must comply with the applicable building recession rule for the Residential Area at any point along a boundary adjoining the Residential Area. The Committee considered that this change will discourage tall buildings from building right up to the boundary and causing an unreasonable sense of enclosure or undue shadowing and lack of privacy to residential neighbours.

In addition, the Committee noted that the buffer standard 7.6.2.1.4 also works in conjunction with other standards such as noise, privacy and bulk and location of buildings for both Centres and Residential Areas. Applying a suite of Centres standards together ensures that an appropriate balance is struck so that buildings and developments in Centres do not cause a nuisance or detract from the amenity values in adjoining or nearby Residential Areas. For these reasons, the Committee rejected this submission.

**Submission 9** requested that 'building recession planes' should be renamed 'building and sunlight recession planes' to better reflect the matters that planes are intended to manage. While the Committee could appreciate the submitter's concerns that access to sunlight had been devalued, they did consider that the proposed wording is somewhat cumbersome. Building recession planes are intended to manage access to sunlight, and the Committee considered that this is sufficient to ensure that access to sunlight is always considered when assessing applications to breach the recession plane standards.

**Submission 31** requested the amendment of the wording of Rules 7.3.7.13 and 34.3.9.12 relating to building recession planes as follows:

*~~"in relation to height control adjoining Residential Areas, the angle of inclination for recession plane access must not exceed the standard referred to in 7.6.3.1.6 by more than 10 degrees, and the maximum height must not be exceeded by more than 20 percent. the building recession planes must not be exceeded by more than 3 metres measured vertically"~~*

The Committee agreed with the submission as it will make the rules consistent with the Residential Areas chapter and make the provisions easier to understand.

**Submission 108** requested that Standard 7.6.2.1.4 relating to building recession planes be amended to read as follows:

*7.6.2.1.4 Any building or structure must comply with the applicable building recession plane rule for the Residential Area at any point along a boundary adjoining the Residential Area. ~~In addition, no building or structures in Centres shall be higher than 3 metres within 5 metres of a Residential Area boundary.~~*

The submission asserted that the standard requires amendment so that it takes into account building orientation and sunlight planes because in certain instances buildings should be able to encroach closer to residential area boundaries where sunlight planes are not infringed.

The Committee disagreed with this submission, as already discussed, Council recognises that the interface between Centres and adjacent Residential Areas is particularly sensitive, and that the effects generated by activities and developments within Centres can impact adversely on residential properties and enjoyment of their amenity values. The 5 metre buffer between Centres and Residential Areas provides for a transition in the height of buildings between Centres and surrounding Residential Areas, and protects residents from overshadowing and other impacts

buildings may cause. Given the importance of ensuring this interface is appropriately managed, the Committee did not support the proposed amendment suggested.

**Submission 103** opposed the application of Standards 7.6.2.4.1 and 34.6.2.4.1 to the windows of all buildings within 5 metres of a Residential Area boundary. The submission asserted that it is not necessary to provide privacy glazing to the ground floor windows of buildings facing a Residential area, which will normally be screened by boundary fencing and/or landscaping. The submission also asserted that the proposed rule may have unforeseen and adverse outcomes by reducing the opportunities for passive surveillance at the rear of business premises that face a Residential area, and that the proposed rule may limit opportunities for businesses to utilise north-facing building walls for spaces within buildings that have high amenity, such as restaurant dining areas. The submission suggested alternative wording of Standards 7.6.2.4.1 and 34.6.2.4.1 as follows:

*“All windows in walls of buildings above ground floor level, and located within 5 metres of and facing a Residential Area boundary shall have privacy glazing...”*

The Hearing Committee decided to accept the proposed amendment for the reasons stated in the submission.

#### Recommended Decisions

- **Reject** submission 38 insofar as it requests that proposed Centres zones adjacent to residential areas should have lower height restrictions, preferably 8m, or if higher buildings, should be further than 3m from site boundaries.
- **Reject** submission 38 insofar as it requests that buildings should have a sunlight angle of 30 degrees on the southern side.
- **Reject** submission 93 insofar as it requests that the zone interface policies and rules be strengthened to ensure an appropriate transition between the Aro Valley Centre and the surrounding residential area
- **Reject** submission 77 insofar as it requests adequate buffer zone requirements between Centres and Residential Areas particularly reduced wall heights, sunlight shading, lighting spill, signage limitations etc.
- **Reject** submission 9 insofar as it requests that ‘Building recession planes’ should be renamed ‘building and sunlight recession planes’.
- **Accept** submission 31 insofar as it requests an amendment to the wording of Rules 7.3.7.13 and 34.3.9.12 relating to building recession planes.
- **Reject** submission 108 insofar as it requests an amendment to Standard 7.6.2.1.4 relating to building recession planes to take into account building orientation and sunlight planes.
- **Accept** submission 103 insofar as it requests that Standards 7.6.2.4.1 and 34.6.2.4.1 to only apply to windows in walls of buildings above ground level.



#### 4.5.6 Design guides

Specific issues raised in submissions include:

- Supports the introduction of new design guides for Centres and Business Areas to help improve quality of new development (**submission 4**).
- Should contain mitigation measures to minimise the environmental impact of bulky buildings (**Submission 9**).
- Update Shelly Bay Design Guide prior to a master plan being discussed with new site owners (**Submission 9**).
- Include an additional business area under the list on page 3 for “Burnham/Miramar Wharf Land” and apply consistently throughout the District Plan Review (**Submission 22**).
- Amend the Centres Design Guide by including a new Section 7 relating to service stations (**Submission 26**).
- That the Centres and Business Areas Design Guides be retained as notified (**Submission 83**).
- Amend the Centres and Business Design Guide by including a new Section 7 for the assessment of drive through restaurants (**Submission 103**).
- Oppose the content of the Centres and Business Areas Design Guides and they should be deleted, or alternatively amend the Design Guides as suggested by the submission (**Submission 108**).
- Delete Brooklyn from Volume 2 (**Submission 113**).

#### Discussion

Poor urban design quality is evident in a number of Wellington’s Centres and Business Areas. This has resulted from a lack of design controls, low quality buildings, poor signage, the inappropriate location of some recent developments, and insufficient focus on the street as a key public space.

In particular, the Hearing Committee was supportive of the Council’s position that it is imperative that the quality of urban design in our centres is improved. The Committee agreed with the philosophy of the plan change that development in Centres has a particular public prominence that deserves special attention as the design of buildings and spaces around them, as they have a strong influence on the public realm where social interaction occurs. Whilst not to the same extent, the Committee also considered that new development in Business Areas (particularly Business 1 Areas) should also be of a reasonable standard to support the mixed-uses envisaged for those zones.

The Hearing Committee considered that the introduction of the Centres and Business Design Guides will bring about improved ability for Council to assess new development in Centres and Business Areas of the City. It was noted that the idea behind the new design guides is based on the well established and successful use of other design guides in the Plan. The Centres and Business Design Guides have been specifically developed with a commercial focus in mind, as well as acknowledging the effects that new development can create outside of the site. This was something that the Committee noted was consistent with the thinking behind Plan Change 48 (Central Area Review) which raised the bar in how Council would assess the urban design qualities of new development in the city centre.

It became evident in the submission and hearing process that there is a distinct tension between some business activities that require setbacks and room to accommodate parking and other vehicle-orientated uses and the urban design provisions and guidance of the Plan Change. The Committee acknowledged the urban design requirements could be somewhat challenging for already established sites to meet. However, essentially the Committee was of the view that the combination of urban design policies, rules and design guides important tool in managing the public streetscape appearance of Wellingtons Centres.

The Design Guides intention is “*to achieve high quality buildings, places and spaces*”, and thus is inherently qualitative. The use of Design Guides in the District Plan is a longstanding and well established mechanism to ensure the amenity values of the built environment are upheld and improved. The Act requires the Council to maintain and enhance amenity values. In the context of the suburban commercial and business environments, this means that the public has the right to expect a certain level of comfort and amenity, regardless of the activity or the services that they are visiting or using. Certain expectations around levels of amenity do differ depending on the type of development, but the requirement to protect amenity values remains. Given Council’s explicit obligation to maintain and enhance values that are important to the public environment, the Committee considered it appropriate to assess how a development will fit in with its suburban or business context through the use of Design Guides.

As suggested by some experts in the hearing, the Hearing Committee did not accept that the use of design guidance will lead to stagnated growth and development of Wellington’s Centres and Business Areas. The Committee considered it entirely appropriate that a consent process was entered into to achieve positive urban design outcomes. As Hearing Committee heard in various pieces of evidence presented at the hearing, that consent can be gained for difficult or sensitive sites in Wellington and design guides are an accepted way of negotiating that process. The key is a pragmatic approach from both Council and property owners to negotiate mutually beneficial outcomes.

The Hearing Committee was particularly concerned that many of the submitter’s perception of the urban design resource consent process as onerous and a subjective process. While design guides do not provide quantitative certainty, the Committee encouraged applicants to work with Council at the early stages of a development. The Committee felt that a collaborative design-based approach, rather than conforming to quantitative standards, provides greater opportunities to find a solution that works for both the applicant and the public realm and achieve quality urban design. To help encourage these relationships, new text has been added to the Centres and Business Area design policies 6.2.3.1 and 33.2.4.1 - the philosophy being that by engaging with Council advisors from the early site-planning stages, applicants can ensure a smooth process once a Resource Consent is submitted. These changes are as follows:

**6.2.3.1 Ensure that buildings, structures and spaces are designed to:**

- **acknowledge, respect and reinforce the form and scale of the surrounding environment in which they are located; and**
- **respect the context, setting and streetscape values of adjacent listed heritage items and Heritage Areas; and**
- **promote a strong sense of place and identity within Centres; and establish positive visual effects; and**
- **provide good quality living and working environments; and**
- **integrate environmental sustainability principles; and**

- **provide conditions of safety and accessibility, including for people with restricted mobility.**

*The Council is a signatory to the New Zealand Urban Design Protocol and therefore has an obligation to try and achieve high quality urban design in all aspects of the urban environment. Additionally, Council's Urban Development Strategy identifies that improving the urban environment is critical to the vitality and viability of areas and the economic future of the City.*

*A diversity of qualities and characteristics contribute to people's sense of place in Centres. These include Wellington's compact form, well-designed buildings, heritage buildings, distinctive Heritage Areas and a range of public and open spaces. The qualities of the public environment, as well as the buildings that define it, are important contributors to people's appreciation of the pleasantness, functionality and liveability of the city. The design and appearance of buildings has a direct bearing on the quality of the public environment and on the city's wider public setting and sense of place. Enhancing a sense of place and protecting those features that make Wellington special and unique are an important part of achieving a stimulating and memorable city.*

*Under the Discretionary Activity process, design guides are used to assess most new building developments in Centres to ensure that any new building enhances the public realm. Design guides describe the urban design outcomes that will enhance public amenity, and provide guidance on achieving those outcomes. Specific rules deal with the siting, design and appearance of new buildings so that the existing urban form is preserved and enhanced.*

*Council will require high standards of urban design for new buildings and structures, especially if they are located on primary and secondary street frontages, as well as significant additions and alterations in Centres through design guidance assessment. While design guides do not provide quantitative certainty, applicants are encouraged to work with Council at the early stages of a development. A collaborative design-based approach, rather than conforming to quantitative standards, provides greater opportunities to find a solution that works for both the applicant and the public realm and achieve quality urban design. By engaging with Council advisors from the early site-planning stages, applicants are likely to experience a smooth process once a resource consent is submitted. Council also recognises that good design is site and programme specific, and not all of the generic guidelines in the Centres Design Guide will necessarily apply to every site.*

*There are key aspects that are particularly important in achieving positive urban design outcomes. Quality design is particularly important for new buildings that are significantly taller or larger than their neighbours, as their size and height can have a significant impact on the character and amenity values of the area. Where buildings adjoin or face a Residential or Open Space Area, design guidance is considered appropriate to ensure more sensitive receiving environments are protected.*

....

#### **33.2.4.1 Ensure that buildings, structures and spaces in Business 1 Areas are designed to:**

- **acknowledge and respect the form and scale of the surrounding environment in which they are located; and**
- **respect the context, setting and streetscape values of adjacent listed heritage items, and Heritage Areas; and**
- **establish positive visual effects; and**
- **provide good quality living and working environments; and**

- **provide conditions of safety and accessibility, including for people with restricted mobility.**

*Urban design assessment is not always required in the Business Areas as these are often utilitarian by character and do not warrant the level of assessment that may be required in more sensitive areas of the City such as the Central Area and Centres. Nevertheless, many of the City's Business Areas are located along major thoroughfares, or in or near to more sensitive receiving environments. In these cases it may be necessary to apply the principles of the Business Area Design Guide and require urban design resource consent assessment. While the design guide process may not provide quantitative certainty, applicants are encouraged to work with Council at the early stages of a development. A collaborative design-based approach, rather than conforming to quantitative standards, provides greater opportunities to find a solution that works for both the applicant and the public realm and achieve quality urban design. By engaging with Council advisors from the early site-planning stages, applicants are likely to experience a smooth process once a resource consent is submitted. In particular, where there are zone interfaces, Council will seek to balance flexibility of design and use with some urban design guidance in sensitive areas.*

....

On the whole, the Committee was entirely comfortable in supporting the use of design guides in Centres and Business Areas. Aside from some further clarification and small wording changes throughout the guide to help with interpretation, the design guides are to be retained in their entirety.

#### Submissions

**Submitter 4 (Dale McTavish)** supported the introduction of new design guides for Centres and Business Areas to help improve quality of new development. **Submitter 83 (New Zealand Historic Places Trust)** requested that the Centres and Business Areas Design Guides area retained as notified. The support of **submissions 4 and 83** is noted and accepted by the Hearing Committee.

**Submitter 9 (Rosamund Averton)** considered that cross references should be included within the Business Area Design Guide to include measures to minimise the environmental impact of bulky buildings. The document is short and easily read and the Committee do not think it necessary to include cross referencing. In this regard **submission 9** is not supported.

**Submitter 9** also considered that the Shelly Bay Design Guide should be updated prior to a master plan being discussed with new site owners. Given the pending commencement of the Miramar Peninsular Framework project, the Committee did not consider it appropriate at this time to undertake a review of the Shelly Bay Design Guide. In this regard, it was decided that this part of **Submission 9** be rejected.

**Submitter 22 (CentrePort Ltd)** requested that reference to “Burnham/Miramar Wharf Land” be included under the list of Wellington’s Business Areas on page 3 of the Business Area Design Guide (as well as in other relevant parts throughout the Suburban Centres Review). The Committee agreed that specific reference to the Burnham/Miramar Wharf land throughout the plan would provide accurate identification of this land for plan users and decided that this part of **Submission 22** be accepted.

**Submitter 26 (Shell New Zealand Ltd – now Greenstone Energy Limited)** requested that the Centres Design Guide be amended to include a new section 7 specifically relating to service stations. **Submitter 103 (McDonald’s Restaurants (New Zealand) Limited)** similarly suggested that both the Centres

and Business Design Guides be amended to include a new Section 7 for the assessment of drive through restaurants. Submission 103 is supported by **further submission 2**.

On this point, the Hearing Committee acknowledged that the site layout and design (i.e. setbacks) of vehicle orientated uses such as service stations and drive through restaurants may need some particular consideration. It was decided that recognition of vehicle orientated uses can be incorporated into the proposed plan change and amendments have been recommended to policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 as discussed in section 4.5.1 of this report.

Specifically concerning the content of the Design Guides, they have been drafted to focus on key urban design principles such as context, character, legibility, robustness etc and do not focus on specific uses. Nevertheless, the Committee agreed that amendments can be made to the Design Guides to better cater for cases where vehicle orientated activities are proposed. In the first instance, a description of the Business 1 and 2 Areas which specifically recognises vehicle orientated uses has inserted to the introduction section of the Business Area Design Guide. In addition, minor wording changes are made throughout both Design Guides under the appropriate sections such as Street Edge Treatment, Open Space, Car Parking and Landscape to help address the submission's concerns.

**Submission 113** asserts that Brooklyn should be deleted from the Volume 2, Centres Design Guide. This position was not supported by the Hearing Committee. Brooklyn has a special character quality that warrants special design consideration and accordingly has been identified in a separate appendix to the Centres Design Guide.

The most comprehensive submission on the design guides (and to a lesser extent on other urban design provisions) was **Submitter 108 (Progressive Enterprises Limited)**. Their submission was supported by **further submission 2**.

**Submitter 108** was strongly opposed the content of the Centres and Business Areas Design Guides and considered that they should be deleted. **Submitter 108** considered that the Design Guides were fundamentally flawed and were not appropriate for inclusion within the District Plan. The submission considered that the guides are subjective and will not provide for consistent and reasonable guidance which a developer can be sure it can meet. Specifically, they considered that the Business Area Design Guide is a "watered down" version of the Centres Design Guide and it is inappropriate to treat businesses in these areas the same way as urban centres. Alternatively, **submission 108** suggests a series of amendments to the Design Guides.

The submitter also raised concern about the lack of recognition of the importance of anchor stores such as supermarkets within urban centres. They considered that the Centres Design Guide especially focuses on fine-grained retailing which will discourage anchor stores from locating Centres, and such will detrimentally affect the social and economic wellbeing of local communities.

At the hearing, the Committee heard evidence from Progressive Property Development Manager - Matthew Grainger, Planner - Michael Foster and Urban Designer – Karl Cooper.

Mr Grainger outlined the submitter's key concerns with the Plan Change which included its failure to recognise the practical and operational requirements of supermarkets. Issues concerning the visibility of the store and the related parking, relationship of the site, parking and store entry, exterior glazing to the store, serviceability and store size were discussed.

Mr Grainger also described Progressives recent experience in dealing with Wellington City Council for the resource consent for the John Street intersection Countdown supermarket in Newtown. Mr Grainger stated that the assessments undertaken by experts confirm that the design of the supermarket is a positive contribution to the surrounding environment and will be a major catalyst for the revitalisation of the Newtown and Adelaide Road areas. He believed that this design was one of the most responsive across the company's 150 stores.

Although he supported the Centres based approach, Mr Foster's evidence was very critical of the Plan Change as a whole. He appreciated that there was a role for resource consent assessments, but stressed that these needed to be mindful of the particular operational characteristics of large format retail including supermarkets and that they cannot always comply with blanket guidelines. He considered that the design guides and their associated policies and rules left in their current form will drive supermarkets out of Centres and actively discourage new ones from establishing. Like Mr Grainger, Mr Foster raised concern about lack of available land for supermarkets in Wellington.

Mr Cooper considered that the design guides, in their current form, to be fundamentally flawed and recommended that they should be radically rewritten. Mr Cooper considered that the design guides did not consider good urban design principles such as connectivity, legibility, variety, robustness, responsiveness, richness and safe environments. He was of the view that Plan Change 73 doesn't provide a framework to assess against but rather promotes a subjective and inappropriate architectural assessment process. He also raised several practical concerns with the centres Standards, such as primary and secondary frontages, vehicle crossing and blank walls and signs.

The Committee was particularly interested in hearing about Progressive's experiences in the resource consent process for the John Street Intersection Countdown supermarket (subsequently granted consent 15 July 2010) which was being assessed under the Operative District Plan and the now withdrawn Plan Change 52 provisions. The Committee was interested to explore the perceived difference in requirements and whether that development would be able to gain consent under the notified proposed Plan Change 73. After the hearing, Mr Grainger provided Committee with subsequent evidence that demonstrated the development would have indeed had a higher level of consenting requirements. A table comparing the previous provisions and the Plan Change 73 provisions is shown below:

<b>Comparison of District Plan Provisions relating to the Countdown Newtown Site</b>		
	Previous provisions	DPC 73
Reasons for consent	<ol style="list-style-type: none"> <li>1. Noise</li> <li>2. No. of vehicle crossings</li> <li>3. Width of vehicle crossings</li> <li>4. Signage areas</li> <li>5. No. of onsite car parks</li> <li>6. Earthworks</li> </ol>	<ol style="list-style-type: none"> <li>1. Noise</li> <li>2. No. of vehicle crossings</li> <li>3. Width of Vehicle crossings</li> <li>4. Signage areas</li> <li>5. Earthworks</li> <li>6. Parking at ground level along Primary or Secondary Street frontage</li> <li>7. New vehicle access along</li> </ol>

		<ul style="list-style-type: none"> <li>Primary or Secondary street frontage</li> <li>8. No. of onsite car parks</li> <li>9. New building above 100m<sup>2</sup> GFA</li> <li>10. Minimum building/stud height</li> <li>11. Building Mass</li> <li>12. Verandahs</li> <li>13. Providing +3m wide continuous/blank wall along Primary/Secondary frontage</li> <li>14. Built up to street frontages</li> </ul>
Overall activity status	Discretionary (Restricted)	Non-Complying (because of maximum signage area). Noise could also potentially be Non-Complying but need acoustic assessment to determine.
Matters not covered by non-notification clause	<ul style="list-style-type: none"> <li>• Noise</li> <li>• Signage</li> </ul>	<ul style="list-style-type: none"> <li>• Noise</li> <li>• Signage</li> <li>• Building design</li> <li>• Minimum building height</li> </ul>
Design Guidance Required	No specific design guide (although design statement typically required as part of resource consent application)	Assessment against objectives and guidelines of new Centres Design Guide required

The Committee noted that the comparison table shows that the activity would have been a non-complying activity under DPC 73 due to the signage size. The Committee pointed out that changes have been made to the maximum size of free standing signage to retain the Operative District Plan standards (refer to section 4.7.1 of this Decision Report). The Committee noted that the main areas where further consent is required is to do with urban design requirements such as minimum building/stud height, verandahs, providing +3m wide continuous/blank wall along Primary/Secondary frontage and building up to street frontages . The Committee agreed with Mr Grainger that this proposed development is highly responsive and sets a good standard in supermarket design and were of the view that the Countdown proposal would have easily satisfied the requirements of Plan Change 73.

Ironically, whilst Mr Grainger considers the Countdown development demonstrates how Progressive can produce high quality developments which are responsive to the surrounding streetscape; the Committee noted that no mention was made of the urban design advice and negotiation undertaken with Wellington City Council to achieve this outcome. The Committee question whether such a quality outcome would have been achieved had there been no design requirements by Council, as requested in the Progressive submission to Plan Change 73.

The Committee found Mr Foster’s comment that the Plan Change was “nutbar” policy unnecessary and unhelpful.

With reference to Mr Cooper’s suggested amendments, the Committee did not accept that the Design Guides do not focus on recognised urban design principles. Mr Cooper suggested that the guide should be amended to include principles such as connectivity, legibility, variety, robustness, responsiveness, richness and safe environments.

The Committee specifically sought post hearing advice from the Council’s consultant urban designer Graeme McIndoe in this regard. Mr McIndoe advised that the principles mentioned in the written submission and by Mr Cooper are inherent to the Design Guides. In particular, variety, richness, context, character and creativity are all key design principles. The Committee was satisfied that these elements have been built into the Design Guides to provide direction for applicants and Officers to consider.

A key point that the Committee was in agreement with the submitter on was that the Plan Change needed to provide more recognition that anchor stores such as supermarkets play a critical role in the wellbeing of urban centres. Both Mr Foster and Mr Cooper emphasised at the hearing that large stores generate a high number of customers, and as such these stores are instrumental in attracting people and thereby influencing the vibrancy, vitality and character of the smaller retailers in the urban environment.

Because of this ability to attract so many people, the Committee felt that it is important that, if possible anchor stores should be located within Centres, rather than in inappropriately situated out-of centre locations. In addition, these buildings and the spaces around them should also be well designed and attractive places for people to be in. It was considered that a well designed anchor store that responds well to the public space can set the benchmark in influencing the design and appearance of other smaller retailers and this why design guidance is so important.

In this regard, the Committee decided that further emphasise on the importance of anchor stores can be incorporated into the Centres provisions. Additional wording has been added to the introduction section of Chapter 6, as well as additional wording to the explanation of Policy 6.2.2.1 as follows:

## 6.1 Introduction

....

A potential threat to the viability and vitality of Centres is the increasing pressure for larger scale supermarkets, large scale retailing and other shopping destinations to locate in areas outside of the City’s traditional town centres. This is of particular concern given that Wellington’s Centres represent a considerable investment, not only because of the infrastructure within them, but also because of the commercial and community services and facilities, and the street and landscape improvements they may contain. In the context of sustainable management these existing commercial centres are a valuable physical resource, and provide places that are highly accessible by multiple transport modes. For these reasons, Council seeks to ensure the viability and vitality of established Centres is not undermined by inappropriately located out-of-centre retail activities.

However, at the same time, Council also recognise that large anchor stores, such as supermarkets, are important in providing a framework that supported finer grain development in Centres. Anchor stores generate a high number of customers and are instrumental in attracting people and thereby influencing the vibrancy, vitality and character of the smaller retailers in the urban environment. Because of this ability to attract so many



people, it is important that they are located within Centres, rather than in inappropriately situated out-of centre locations. In addition, it is also imperative that these buildings and the spaces around them are well designed and attractive places for people to be in. A well designed anchor store that responds well to the public space can set the benchmark in influencing the design and appearance of other smaller retailers.

**6.2.2.1 Enable and facilitate a wide mix of activities within Centres provided that character and amenity standards are maintained and adverse effects are satisfactorily avoided, remedied or mitigated.**

*Centres are the focus of economic and social life in our communities. They have multiple functions and activities, but their core is typically the provision of retail and local services. It is the combination of activities and functions that makes centres particularly important places, as it enables them to deliver a range of environmental, social, economic and cultural benefits. Anchor stores, such as supermarkets, play an important role in Centres as they are instrumental in attracting people and thereby influencing the vibrancy, vitality and character of the smaller retailers in the urban environment. Encouraging anchor stores as well as the multi-functional nature of Centres is important and therefore the District Plan encourages a mix of uses.*

....

These amendments in Chapter 6 acknowledge the role and importance of anchor stores. The Hearing Committee did not propose to amend the Centres Design Guide to specifically include reference to anchor stores. It was maintained that all development that triggers the need for design guide assessment should be assessed on its individual merits to help achieve high quality buildings, places and spaces in Centres.

Recommended Decisions

- **Accept** submission 4 insofar as it supports the introduction of new design guides for Centres and Business Areas to help improve quality of new development.
- **Accept** submission 9 insofar as it requests that the Design Guides should contain mitigation measures to minimise the environmental impact of bulky buildings.
- **Reject** submission 9 insofar as it requests that the Shelly Bay Design Guide should be updated prior to a master plan being discussed with new site owners.
- **Accept** submission 22 insofar as it requests that an additional business area be included under the list on page 3 for “Burnham/Miramar Wharf Land” and apply consistently throughout the District Plan Review.
- **Reject** submission 26 insofar as it requests that the Centres Design Guides be amended to include an appendix for the assessment of service stations, but allow for additional explanation to be added to the guide to help better acknowledge vehicle orientated activities.
- **Accept** submission 83 insofar as it requests that the Centres and Business Areas Design Guides be retained as notified.
- **Reject** submission 103 insofar as it requests that the Centres and Business Areas Design Guides be amended by including a separate for the assessment of drive through restaurants, but allow for additional

explanation to be added to the guides to help better acknowledge vehicle orientated activities.

- **Accept in part** submission 108 insofar as it requests the deletion of the word “small” from supermarkets in District Centres.
- **Reject** submission 108 insofar as it opposes the content of the Centres and Business Areas Design Guides and requested that they should be deleted.
- **Reject** submission 108 insofar as it requests that the Centres and Business Areas Design Guides be amended as suggested by the submission.
- **Reject** submission 113 insofar as it requests deletion of Brooklyn from Volume 2.

## 4.6 WIND

### Submissions

Specific issues raised in submissions include:

- Under 3.2.2.14B, delete the last paragraph, relating to information requirements and pedestrian wind conditions, which reads:

*“The report must conclude that the development is highly likely to maintain and improve pedestrian wind conditions before it will be accepted under Rule 7.3.7” (Submission 64).*
- Mitigation measures should include the planting of vegetation (**Submission 9**).

### Discussion

**Submission 64** considered it inappropriate for the Plan to contain provisions which sought to impose more onerous decision making criteria than that contained under Section 104 of the RMA. The submission also considered it inappropriate for such provisions to be included in the “Information to be Submitted with an Application for Resource Consent” part of the Plan. **Further submission 13** supported this submission.

Section 7(c) Other Matters of the Resource Management Act states that:

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

...

*(c) the maintenance and enhancement of amenity values*

...”

The Officers considered that the current wording of Section 3.2.2.14B is appropriate as it clearly reflects the intent of section 7(c) of the RMA and is needed to ensure that there is a trigger to increase the quality of information about the proposal should the wind assessment report find that the project is likely to cause adverse effects on the pedestrian wind environment. However, in recognition of the submission’s concerns generally about the provision, the Officers recommended that the focus of the

provision change so that the trigger to a full wind tunnel test only happens where the wind assessment report concludes there will likely be a net detriment in the wind environment as a result of the proposal compared with the existing pedestrian wind environment. The proposed wording was as follows:

*“The report must conclude that the overall effect of the building development will not reduce the existing pedestrian wind conditions before it will be accepted under Rule 7.3.7.”*

The Officers also considered it appropriate to include a trigger in the section to enable Officers to clearly ascertain whether a wind tunnel test report will also be required under proposed section 13.2.2.14C of the Plan. Deleting the last paragraph of section 3.2.2.14B would remove this trigger and would therefore remove any certainty to the Council, the public, and developers on when a wind tunnel test report may be required in addition to a wind assessment report.

At the hearing, **Submitter 64** (Foodstuffs (Wellington) Co-operative Society Ltd) advised that they were comfortable with the Officers’ suggested rewording of section 3.2.2.14B, however suggested that the phrase “before it will be accepted under Rule 7.3.7” be replaced as follows, to make it clearer on what is intended by the Council:

*“The report must conclude that the overall effect of the building development will not reduce the existing pedestrian wind conditions or a wind tunnel test report may be required”.*

The Committee considered that the revised wording suggested by the submitter was appropriate and therefore accepted the submission in part.

**Submission 9** requested that wind mitigation measures should include the planting of vegetation. There are a wide variety of wind mitigation measures available and the planting of vegetation is just one of these. It is not always appropriate to plant vegetation however, and therefore it is not recommended to specify vegetation planting as a mitigation measure. It is generally better practice to encourage the use of wind mitigation measures within the development site, during the early stages of building design to help to reduce the wind effects on pedestrians.

### Recommended Decisions

- **Accept in part** submission 64 insofar as it requests the deletion of the last paragraph under 3.2.2.14B, relating to information requirements and pedestrian wind conditions.
- **Reject** submission 9 insofar as it requests that mitigation measures for wind should include the planting of vegetation.

## **4.7 SIGNS**

### **4.7.1 Signs – General**

#### Submissions

Specific issues raised in submissions include:

- Supported provisions but should specifically include provision of locational and directional signage (**Submission 9**).

- That Council acknowledge and allow appropriate on-street signage to advertise the existence of a Neighbourhood Centre such as Marsden Village (**Submission 58**).
- Restrict any form of advertising signs on buildings and limit signage to only businesses contained within the building (**Submission 118**).
- In first bullet point of Standard 34.6.3.1.5, amend the reference relating to the number of days for temporary signage (**Submission 31**).
- Amend the explanation to Policies 6.2.6.2 and 33.2.7.2 by adding in a third bullet point as follows:
  - *Ensure that the safe and efficient operation of the road network is not reduced* (**Submission 117**).
- Amend the explanation to Policies 6.2.6.4 and 33.2.7.4 to include a reference that ensures signs also contribute positively towards visual amenity of the state highway network (**Submission 117**).
- Amend Sign Standards 7.6.3.1 and 34.6.3.1 to include a new clause that provides for free standing signs or for signs attached to structures (**Submission 117**).
- Amend Sign Standards 7.6.3.1.2, 7.6.3.1.4, 34.6.3.1.2 and 34.6.3.1.4 to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters (**Submission 117**).
- Add additional criteria to the bullet-pointed explanation under Policies 6.2.6.3 and 33.2.7.3 to allow for consideration of signs for directional purposes that do not comply with the District Plan standards (**Submission 103**).
- Amend Sign Standard 34.6.3.1.4 by adding provisions for freestanding directional signs in Business Areas (**Submission 103**).
- Amend Sign Standards 7.6.3.1.2, 7.6.3.1.4 and 34.6.3.1.4 to retain maximum signage areas in Operative District Plan (**Submission 108**).
- In Sign Standards 7.6.3.1.4 and 7.6.3.1.5, specify that for service stations free-standing signs in all Centres may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m and make clear that the one sign permitted on any frontage may be a double-sided sign (**submission 26**).
- In Sign Standard 34.6.3.1.4, specify that for service stations the maximum area of free-standing signs is 15m<sup>2</sup> and the maximum height is 8m irrespective of whether the site adjoins or faces a residential area; and make clear in the wording of this standard that the limit of one free-standing sign per site frontage permits the sign to be double-sided (**submission 26**).

### Discussion

**Submitter 9 (Rosamund Averton)** supported the signage provisions but considered that they should specifically include provision of locational (i.e. where you are) and directional signage (i.e. your destination). This part of the submission was accepted by the Hearing Committee.

**Submitter 58 (Marsden Village Association Inc)** requested that Council acknowledge and allow appropriate on-street signage to advertise the existence of a Neighbourhood Centre such as Marsden Village.

Officers noted that there is no restriction on locational and directional signage being erected so long as the signage contributes positively to the visual amenity of the building neighbourhood or streetscape and that they meet the signage standards. Officers noted that there is enough scope within the provisions to allow for this type of signage if necessary. This position was accepted and agreed by the Hearing Committee.

**Submitter 118 (Ann Louise Mitcalfe & Alexander Mitcalfe Wilson)** requested that advertising is restricted on buildings and limited to signage relating only to the business contained within the building.

The Hearing Committee noted that a new standard has been introduced that controls the erection of signage by an independent party (e.g. third party signage) on property that is not selling the product being advertised (Standard 7.6.3.1.3). In this regard, the Committee accepted submission 118.

**Submitter 31 (Wellington City Council)** requested that the first bullet point of Business Area Sign Standard 34.6.3.1.5 relating to temporary signage be amended to 28 consecutive days rather than 34 as proposed in the plan change. This aligns with the temporary activity standard in the Centres provision and the Hearing Committee considered that it should be accepted.

**Submitter 117 (New Zealand Transport Agency)** sought an amendment to Policies 6.2.6.2 and 33.2.7.2 by amending the third bullet point as follows:

- *Ensure that the safe and efficient operation of the road network is not reduced*

As notified, these two policies read as follows:

**Manage the scale, intensity and placement of signs to:**

- **maintain and enhance the visual amenity of the host building or site; and**
- **reduce visual clutter and viewer confusion; and**
- **ensure public safety.**

The Hearing Committee was advised by Officers that intent of the third bullet point is to maintain of public safety and ensure that signs that are overly distracting to driver (e.g. illuminated, animated and flashing signs) do not conflict with traffic safety. **Submission 117** sought to shift this emphasises from public safety in general to a more road network operation focus. Officers did not agree with the suggested amendment.

At the hearing this position was accepted by Submitter 117's planner Angela Penfold, but she suggested that this could be clarified further by adding the words "*including road safety*" to the third bullet point. The Committee agreed with this suggestion and recommended that third bullet point of policies 6.2.6.2 and 33.2.7.2 read as follows:

- **ensure public safety, including road safety**

**Submitter 117** sought an amendment to the explanation of Policies 6.2.6.4 and 34.6.3.1 to include a reference to ensure signs also contribute positively towards visual amenity of the state highway network. This submission is opposed by **further submission 11**.

Policies 6.2.6.4 and 33.2.7.4 read:

**Ensure that signs contribute positively to the visual amenity of the building neighbourhood and cityscape.**

The explanation discusses the use of multiple signage on a site, the visual impact of signs above ground level and third party signage. Officers recommended the following amendments to Policies 6.2.6.4 and 33.2.7.4:

#### Policy 6.2.6.4 explanation:

...

*In Centres, signs above ground floor are generally more visible and may adversely affect the visual quality of buildings and the surrounding neighbourhood. Above ground floor level, signs can have a wider impact, particularly on surrounding Residential Areas, so their size has been limited. At the wider spatial scale signs are a useful element for way-finding in the city. However, some signs can detract from the way people understand a building's function, ~~or~~ the types of activities associated with a building's use or the visual amenity of the road and state highway network.*

*This is particularly relevant when assessing third party (billboard) signage. Third party signage is often larger and more visually dominant than signage associated with a specific activity. Third party signage has therefore been restricted to ensure that it does not detract from the streetscape values, traffic safety and other special characteristics of Centres.*

*In addition to assessment matters identified in the above policies, for applications not complying with sign standards in the District Plan, consideration will be given to whether the sign display detracts from the cityscape or building neighbourhood above ground floor level.*

...

#### Policy 33.2.7.4 explanation:

*Particularly in Business 1 Areas, signs above ground floor are generally more visible and may adversely affect the visual quality of buildings and the surrounding neighbourhood. Above ground floor level, signs can have a wider impact, particularly on surrounding Residential Areas, so their size has been limited. At the wider spatial scale signs are a useful element for way-finding in the city. However, some signs can detract from the way people understand a building's function, ~~or~~ the types of activities associated with a building's use or the visual amenity of the road and state highway network.*

*The signage provisions provide significant flexibility to respond to the varied nature of activities in Business Areas and their differing signage requirements and as a result do not limit the number of signs permitted on a site. However, in providing this flexibility, Council wishes to ensure that this flexibility is not abused. Council does not accept that making provision for multiple signs should be used as an argument to enable larger, more intrusive signage. Council will not apply a permitted baseline assessment (i.e. a comparison of the proposed sign against a hypothetical signage scenario that complies with the signage standards outlined in the Plan).*

*This is particularly relevant when assessing third party (billboard) signage. Third party signage is often larger and more visually dominant than signage associated with a specific activity. Third party signage has therefore been restricted to ensure that it does not detract from the streetscape values, traffic safety and other special characteristics of Business Areas.*

...

These recommended changes were supported by Submitter 117 at the hearing, and were also considered to be acceptable by the Hearing Committee.

**Submitter 117** also seeks an amendment to Activity Standard 7.6.3.1 and 34.6.3.1 to include a new clause that provides for free standing signs or for signs attached to structures.

The Hearing Committee noted that Standards 7.6.3.1.4, 7.6.3.1.5 and 34.6.3.1.4 provide for free-standing signage or signs located on a structure. This was confirmed by the Ms Penfold at the hearing and in this regard, the Committee considered that submitter's concern had been addressed. For information purposes, the Committee

drew Submitter 117's attention to the amended changes regarding the permitted size of free standing signs discussed further in this section of the Decision Report.

**Submitter 117** sought an amendment to Centres Sign Standards 7.6.3.1.2, 7.6.3.1.4 and Business Area Sign Standards 34.6.3.1.2 and 34.6.3.1.4 to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters. This submission is opposed by **further submission 2**.

The Officers' Report questioned whether this provision should only be applied to areas of the state highway where the speed limit is greater than 50km, and therefore drivers a less able to cope with distractions created by signs. Officers recommended that the following bullet point be included to the Centres Sign Standards 7.6.3.1.2, 7.6.3.1.4 and Business Area Sign Standards 34.6.3.1.2 and 34.6.3.1.4:

- that faces a state highway where the speed limit is greater than 50km must not display more than eight words or 40 characters.

At the hearing, the Ms Penfold explained that the 50km/hr area is usually one where the driving environment is more complex and, therefore, it is still desirable to minimise the distraction to drivers. The submitter requested that Centres Sign Standards 7.6.3.4(sic).2, 7.6.3.4(sic).4 and Business Area Sign Standards 34.6.3.1.2 and 34.6.3.1.4 be amended to read:

**For signs facing a state highway:**

- **The content of any sign shall be restricted to a maximum of eight words or 40 characters**

In considering the submission by the NZTA, the Hearing Committee, whilst understanding their concerns (namely that signs can be a distraction to motorists on the State highway), were of the view that the relief sought in the submission would be difficult to administer given the wide range of properties that would be triggered by reference to 'facing a State highway'. The Committee also acknowledged that the alternate relief suggested by the Officers (reference to 50km/h) was also problematic. This left the Committee querying whether there were alternative methods of achieving the desire by NZTA to control signage in proximity to the State highway where it has the potential to affect the efficiency of this resource. For example, rules addressing a combination of site sizes and distances from the State highway may be more appropriate. There was no discussion on such alternatives at the hearing, which in turn limited the scope for the Committee to make judgement on the appropriateness of alternative rules.

Given the above issues, the Committee resolved to reject this submission. However, and given the similar outcome for signage in the residential areas, the Committee suggested that if the NZTA wish to pursue this matter further it might be appropriate to discuss a more holistic approach to address signage directly with Council Officers rather than a piecemeal zone by zone approach.

**Submitter 103 (McDonalds Restaurants (New Zealand) Limited)** sought the addition of new criteria to assess signs that do not comply with the District Plan standards that are bullet-pointed in the explanation under Policies 6.2.6.3 and 33.2.7.3

These policies read as follows:

**Ensure signs in Centres/Business Areas do not adversely affect the architectural integrity of the building on which the sign is located.**

The explanation to the policies outlines what Council will consider when a sign does not meet the signage standards. The submission considered that the explanation points do not acknowledge that signage can be needed for traffic directional purposes

and that freestanding signs can facilitate site identification and access to a vehicle orientated activity. This submission is supported by **further submission 2**.

The Officers' Report recommended the following to the explanations of Policies 6.2.6.3 and 33.2.7.3:

...

*When assessing sign proposals that do not comply with the District Plan standards Council will consider:*

- *whether the sign is in scale and compatible with the visual amenity of the area in which it is situated;*
- *whether an additional sign will result in visual clutter;*
- *whether the size, number, placement, illumination or movement of the sign/s or sign display will compromise traffic or pedestrian safety;*
- *whether the sign detracts from the architectural integrity of the building on which the sign is located;*
- *whether in respect of freestanding signs they form part of a landscape plan for an area or are designed to screen unsightly sites, activities or buildings;*
- *whether signs are of a scale appropriate to the position of the site in relation to the road hierarchy;*
- *whether the sign is obtrusively visible from any Residential Area or public space;*
- *whether the sign is appropriate for site identification and traffic directional purposes.*

At the hearing, submitter 103's planner, Jennifer Hudson outlined that this amendment was consistent with their submission. However, the amended wording outlined in Submitter 103's original written submission was still supported at the hearing by wording further submitter 2 (**Shell New Zealand Ltd – now Greenstone Energy Limited**). Given that the principle submitter is satisfied with the amended explanation above, the Hearing Committee is also satisfied with the recommended wording amendment.

Submitter 103 also sought an amendment to Standard 34.6.3.1.4 by adding specific provision for freestanding directional signs in Business Areas. The Committee consider that the standard clearly allows for any type of free standing sign and that it not necessary to specifically note that freestanding directional signage is also relevant to Standard 34.6.3.1.4. In this regard, submission 103 is not supported.

**Submitter 108 (Progressive Enterprises Limited)** raised concerns with the proposed maximum sign area of 5m<sup>2</sup> for signs on buildings or freestanding structures in Centres. **Further submission 2** supported this submission. In addition, the submitter raised concern about the maximum sign area of 8m<sup>2</sup> for freestanding structures in Business Areas. The submission considered that the site area proposed is not reflective of commercial realities or the significance of anchor stores as arrival destinations. The submission considered that maximum sign area should be 10m<sup>2</sup> as set out in the Operative District Plan. They therefore sought an amendment to the Centres Sign Standards 7.6.3.1.2 and 7.6.3.1.4 and Business Sign Standard 34.6.3.1.4 to retain maximum signage areas in Operative District Plan. This submission is supported by further submission 2.

This point was further explained in the hearing by the submitter's urban design expert, Mr Karl Cooper. Mr Cooper explained that signs should be considered as an integral part of the architectural solution and consequently the size will always be in proportion to the particular scheme. He explained that larger buildings can house larger signs.



In addition, the submitter's planner, Mr Michael Foster pointed out that the signage regime used by the submitter is standard and typical of supermarkets in New Zealand and readily consented elsewhere. In response, the Hearing Committee wanted to point out that that may very well be the case, but carefully considered and sensitive signage should always be a priority for new developments, and what are standard company templates may not always be appropriate or suitable in the Wellington environment. Nevertheless, some concession was made by the Hearing Committee regarding free standing signs. This is discussed below under submission 26 (Shell New Zealand Ltd– now Greenstone Energy Limited).

Also regarding signage size, **Submitter 26 (Shell New Zealand Ltd – now Greenstone Energy Limited)** sought that Centres Standards 7.6.3.1.4 and 7.6.3.1.5 be amended to specify that service station free-standing signs may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m. They also submitted that Business Area Standard 34.6.3.1.4 should be amended to specify that service stations have a maximum area of free-standing signs up to 15m<sup>2</sup>, with a maximum height of 8m irrespective of whether the site adjoins or faces a residential area. In both Centres and Business Areas, submitter 26 contested that the standards would need to clarify that the one sign permitted on any frontage may be a double-sided sign. Submitter 26's planner, Keith Cullum, re-emphasised that the signage provisions were not practical for the special needs of service stations at the hearing.

In their decision, the Hearing Committee considered that signage is an established part of the built environment, but sometimes it can detract from surrounding areas if not carefully managed. Given that the signage provisions cover all types and scale of Centres and Business Area environments, the Committee considered that some level of management is important. The Committee agreed that larger buildings can generally accommodate larger signs, however depending on the location and surrounding environment, larger signs may not always be appropriate. In this regard, the Committee did not agree with **Submitter 108** that maximum sign area for signs located on buildings should be 10m<sup>2</sup> as set out in the Operative District Plan. Therefore, the Committee agreed that the maximum sign area for signs located on buildings in Centres Standard 7.6.3.1.2 should be retained as notified (i.e. 5m<sup>2</sup>).

However, the Hearing Committee was of a different view when it came to the size of free standing signs in Centres. Although the Committee did not agree with **submitter 26** who suggested the sign size should be 15m<sup>2</sup>, they considered that having provision for one free standing sign on site consistent with the Operative District Plan dimensions (i.e. 8m<sup>2</sup>), was reasonable. Thought was also given to the impact of the free-standing 8m<sup>2</sup> signs in the more sensitive Neighbourhood Centres. The Committee was of the view that in most of the Neighbourhood Centres buildings had been built up to the street edge, meaning there was little opportunity to erect a free-standing sign. The Committee noted that there hadn't been a large proliferation of free-standing signage in these areas under the Operative District Plan and therefore did not consider that the dimensions should be changed. In addition, the Committee noted that activities generally associated with free-standing signage, such as service stations, were generally located in larger centres, therefore in an environment more capable of catering for an 8m<sup>2</sup> free-standing sign.

Therefore, the Hearing Committee has made the following amendments to Centres Standard 7.6.3.1.4 and as a consequence deleted Centres Standard 7.6.3.1.5 referring to Neighbourhood Centres as follows:

- 7.6.3.1.4 For any one free-standing sign or any sign located on a structure (except Neighbourhood Centres):
- the maximum area is 5m<sup>2</sup> 8m<sup>2</sup>.

- the maximum height is 6m
- only one sign is permitted on any site frontage

For any additional free standing signs or signs located on a structure (except Neighbourhood Centres):

- the maximum area is 5m<sup>2</sup>.
- the maximum height is 6m
- only one sign is permitted on any site frontage

~~7.6.3.1.5 For any free standing sign or sign located on a structure in Neighbourhood Centres:~~

- ~~• the maximum area is 3m<sup>2</sup>~~
- ~~• the maximum height is 4m~~
- ~~• only one sign is permitted on any site frontage~~

The Hearing Committee noted that Business Area Standard 34.6.3.1.4 was carried over from the Operative District Plan (i.e. maximum area of 8m<sup>2</sup> except where the site adjoins or faces a Residential Area across the road, where the maximum area is 6m<sup>2</sup>) and were comfortable with this provision. In this regard the Committee did not support the suggested 15m<sup>2</sup> free standing sign area and maximum height is 8m irrespective of whether the site adjoins or faces a residential area as suggested by Submitter 26.

### Recommended Decisions

- **Accept** submission 9 insofar as it supports the signage provisions and requested that they provide scope for the erection of locational and directional signage.
- **Accept** submission 58 insofar as it requests that the signage provisions provide scope for the erection of signs advertising a Centre.
- **Accept** submission 118 insofar as it requests that the signage provisions restrict third party signage
- **Accept** submission 31 insofar that it seeks an amendment to the first bullet point of Standard 34.6.3.1.5 relating to temporary signage.
- **Accept in part** submission 117 insofar as it requests an amendment to the third bullet point of Policies 6.2.6.2 and 33.2.7.2 to focus on the efficient operation of the road network.
- **Accept** submission 117 insofar as it requests an amendment to the explanation to Policies 6.2.6.4 and 33.2.7.4 to include a reference that ensures signs also contribute positively towards visual amenity of the state highway network.
- **Reject** submission 117 insofar as it requests that Sign Standards 7.6.3.1 and 34.6.3.1 be amended to include a new clause that provides for free standing signs or for signs attached to structures.
- **Reject** Submission 117 insofar that it requests that Sign Standards 7.6.3.1.2, 7.6.3.1.4, 34.6.3.1.2 and 34.6.3.1.4 be amended to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters.

- **Accept in part** submission 103 insofar as it requests an additional explanation point acknowledge site locations and directional signs under Policies 6.2.6.3 and 33.2.7.3.
- **Reject** submission 103 insofar that it requests an amendment to Standard 34.6.3.1.4 to add specific provisions for freestanding directional signs in Business Areas.
- **Accept in part** submission 108 insofar that it seeks an amendment to Standard 7.6.3.1.4 and 34.6.3.1.4 to retain maximum signage area for freestanding signs as 8m<sup>2</sup> as currently in the Operative District Plan.
- **Reject** submission 108 insofar that it seeks an amendment to Standard 7.6.3.1.2 to retain maximum signage area for signs on buildings as 10m<sup>2</sup> as currently in the Operative District Plan.
- **Reject** submission 26 insofar that they request that Centres Sign Standards 7.6.3.1.4 and 7.6.3.1.5 be amended so that for service stations free-standing signs may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m.
- **Reject** submission 26 insofar that they request that Business Area Sign Standards 34.6.3.1.4 be amended to specify that for service stations the maximum area of free-standing signs is 15m<sup>2</sup> and the maximum height is 8m irrespective of whether the site adjoins or faces a residential area.

## 4.7.2 Definitions

### Submissions

Specific issues raised in submissions include:

- The addition of a new definition of “mural” and amendments to the definition of a “sign” are retained as notified (**Submission 83**)
- Delete the term “hoarding” from the definition of “sign”. In the alternative, its meaning should be further defined (**Submission 108**)
- Supports following definitions: “official sign”; “sign”; and “third party advertising” (**submission 117**)

### Discussion

**Submitter 83 (New Zealand Historic Places Trust)** supported the addition of a new definition of “mural” and amendments to the definition of a “sign”. The Hearing Committee noted the support of **submission 83** and accepted the submission in this regard.

**Submitter 108 (Progressive Enterprises Limited)** requested that the term “hoarding” is deleted from the definition of “sign” as they felt that it lacked clarity in instances where signs are attached to buildings. The submitter’s property development manager, Mathew Grainger specifically discussed this at the hearing and provided diagrams illustrating this point as part of his evidence. Mr Grainger’s examples showed a “Countdown” supermarket sign where the background panel was the same colour as the building. He considered that the area immediately around wording could potentially be measured as part of the dimensions of the sign, and that the measurements should focus immediately on the wording or logo itself, rather than the background.

The Hearing Committee agreed that the use of corporate colours on a building should not be considered as signage, but do not consider that the term “hoarding” would cause such confusion. The definition term “hoarding” is interpreted to mean the same as “billboard” which is a large board used for displaying advertising posters. The Committee did not consider it necessary to remove “hoarding” from the definition and did not agree that it should be further defined.

**Submission 117** supported the definitions of “official sign”; “sign”; and “third party advertising”. The support of **submission 117** is noted and should be accepted.

#### Recommended Decisions

- **Accept** submission 83 insofar as the addition of a new definition of “mural” and amendments to the definition of a “sign” are retained as notified.
- **Reject** submission 108 insofar as it requests deletion of the term “hoarding” from the definition of “sign” or alternatively provide for a further definition.
- **Accept** submission 117 insofar as it supports the following definitions: “official sign”; “sign”; and “third party advertising”.

## **4.8 HERITAGE PROVISIONS**

### Submissions

Specific issues raised in submissions include:

- Council undertakes a plan change urgently to recognise Thorndon, Newtown, Berhampore, Kelburn, Brooklyn, Hataitai, Island Bay and Aro Valley as having heritage values worthy of protection by way of new character areas and/or design guides being generated to manage development in those areas (**Submission 83**).
- Where there is a distinctive concentration of heritage buildings in Centres, Council should seek to create a Heritage Area to recognise and protect the special contribution such buildings and the spaces between them make to the City’s suburban fabric (**Submission 83**).
- The inclusion of the Aro Valley Suburban Centres Heritage Area, or the extension of the pre-1930s demolition rule to cover the Centres area as well as the Residential area of Aro Valley, until such time that a Heritage Area is introduced (**Submission 93**).
- Delete first bullet point of Standard 7.6.2.5.2 and amend Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages (**Submission 31**).
- The heritage provisions should be extended to include structures, as well as buildings, objects, areas, individual and stands of trees and vegetation whether or not they are listed on the District Plan. Any demolished heritages buildings/structures should be memorialised with a visible plaque and any felled heritage trees should be replaced with a large tree of the same species (**Submission 9**).

Discussion – recognition of Centres heritage areas

**Submitter 83 (New Zealand Historic Places Trust)** advocates for the urgent need to recognise of a number of prominent Centres as heritage areas in the District Plan.

**Submitter 93 (Roland Sapsford)** specially sought heritage recognition of Aro Valley and at the hearing voiced his support for Plan Change 75 (Centres Heritage Areas) that had recently been notified.

The Hearing Committee was also mindful of the recent notification of Plan Change 75 which proposes the creation of heritage areas in Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre). In this regard, the Committee considered that submissions of **submission 83 (in part) and 93** had been addressed.

Discussion – Other

**Submitter 31 (Wellington City Council)** requested that the first bullet point of Standard 7.6.2.5.2 be deleted and that and Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages be amended as follows:

7.6.2.5.2 *For frontages not identified on District Plan Maps 47, 48, 49, 49A, 49B, 49C, 49D, 49E, verandahs may be constructed on any building frontage facing a public space within Centres provided that:*

- ~~the building is not a heritage building or listed in Chapter 21,~~  
or
- *the adjoining public space extends 12 metres or more perpendicular from the building frontage.*

7.6.2.6.1 *Display windows must be constructed at ground floor level along all primary frontages identified on the District Plan Maps 43 to 49A, except any heritage building or area listed in Chapter 21.*

The removal of the first bullet point of Standard 7.6.2.5.2 and amendment to Standard 7.6.2.6.1 avoids duplication and confusion for plan users, as Chapter 21 is the primary part of the plan that deals with listed heritage items. In this regard, the hearings Committee support **submission 31**.

**Submitter 83 (New Zealand Historic Places Trust)** requested that Council create heritage areas that recognise and protect the special contribution such buildings, and the spaces between them make to the City's suburban fabric.

**Submitter 9 (Rosamund Averton)** requested that structures, as well as buildings, objects, areas, individual and stands of trees and vegetation should all be recognised for their heritage value whether or not they are listed on the District Plan.

**Submission 9** suggested that demolished heritages buildings/structures should be memorialised with a visible plaque and any felled heritage trees should be replaced with a large tree of the same species.

The Hearing Committee noted that when considering the construction of any new building or any modifications to an existing building, the heritage rules take into account the entire site on which a building is located within a heritage area. These provisions were introduced as part of Plan Change 43 (Heritage Provisions) to manage the effects of new (non-heritage) development on the site of a listed building, object or areas. It was intended to ensure that development adjacent to, or on the same site as existing heritage buildings, areas or objects did not have an inappropriate impact on that heritage.

In addition, the introduction section of Plan Change 43 Chapter 20 specifically discusses the importance of surroundings and recognises that the settings of listed items are often an essential part of their character. This is further enhanced by policies 20.2.1.5 and 20.2.1.6 which seek to:

*20.2.1.5 Identify heritage areas to cover groups of buildings, structures, spaces and other features, which collectively have significant historic heritage.*

*20.2.1.6 Protect buildings, structures, spaces and other features integral to the significance of a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.*

These policies help guide the heritage rules.

Specifically regarding the protection of non-listed structures raised by **submission 9**, the Committee noted that the chapter 21B heritage area rules explicitly states that “*non-listed buildings and structures within a heritage area are subject to the rules in this Chapter except that identified non-heritage buildings or structures may be demolished or relocated*”.

Given the all encompassing definition of the word “site” and the direct reference to setting and relevance of non-listed heritage items in heritage area, the Hearing Committee was satisfied that there is sufficient scope to consider important gaps or spaces in heritage areas. In this regard **submissions 83 and 9** have been addressed.

Turning to the final point regarding **submission 9**’s suggestion that demolished heritages buildings/structures should be memorialised with plaque and any felled heritage trees should be replaced with a large tree of the same species. Whilst the Committee acknowledged that this is a good idea, blanket requirements may not always be appropriate in every case. Given that the onus would be on property owners to erect the plaque/educational board, Council would have little ability to ensure a consistent design and appearance. From a streetscape and urban design perspective, plaques and educational boards that are poorly designed and located, can detract from the appearance of an area and add unwanted visual clutter to the streetscape. In this regard, this part of **submission 9** cannot be supported.

In terms of replacement trees, again blanket requirements may not always be appropriate in all cases. There is a whole raft of reasons as to why a listed tree may be felled, including location, disease, public hazard etc. A replacement tree may not be appropriate and for this reason, this part of **submission 9** cannot be supported.

### Recommended Decisions

- **Accept** submissions 83 and 93 insofar as they request that Council undertakes a plan change urgently to recognise Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street Intersection (Newtown), Newtown (Centre) and Thorndon (Centre) as having heritage values worthy of protection by way of recognition as a heritage area in the District Plan.
- **Accept** submission 31 insofar as it requests deletion of the first bullet point of Standard 7.6.2.5.2 and amending Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages.
- **Accept** submission 83 and 9 insofar that they request that the District plan recognise the importance of a heritage building/area’s setting, including recognition on non-listed buildings and structures within the site of a listed building or within a heritage area.

- **Reject** submission 9 insofar as it requests that demolished heritages buildings/structures should be memorialised with plaque and any felled heritage trees should be replaced with a large tree of the same species.

## 4.9 TRANSPORTATION

### 4.9.1 General

#### Submissions

Specific issues raised in submissions include:

- Retain objectives 6.2.5 and 33.2.6 regarding access and transport and their associated policies (**Submission 131**).
- Support objectives and methods which avoid vehicle dominance of areas (**Submission 118**).
- Amend Policy 6.2.5.3, regarding the roading hierarchy, so that it incorporates a reference to the ‘Wellington Road of National Significance’ (**Submission 117**).
- Amend the explanatory text in the seventh paragraph of Policy 33.2.6.1 by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council (**Submission 117**).
- Amend Policy 33.2.6.3, regarding the roading hierarchy, to include an explicit reference to the importance of the function of SH1 (**Submission 117**).
- All references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004 (**submission 103**).
- Support the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10 (**Submission 55**).

#### Discussion

**Submission 131** sought the retention of Objectives 6.2.5 and 33.2.6 relating to access and transport and their associated policies. There is no intention to change these objectives and thus the Hearing Committee accepted this support.

**Submission 118** supported the draft objectives and methods for the reason that they avoid vehicle dominance of areas. The Hearing Committee accepted this support.

**Submission 117** supported Policies 6.2.5.3 and 33.2.6.3, but requested that they be amended to include an explicit reference to the importance of the function of State Highway 1. The Hearing Committee agreed that State Highway 1 serves as a north-south key transport corridor across the city, and agreed to add the following text to the explanation of Policies 6.2.5.5 and 33.2.6.3:

*The hierarchy includes State highways 1 and 2 which provide a key transport corridor stretching from the northern edges of the city through to Wellington Airport.*

**Submission 117** requested that the explanatory text for Policy 33.2.6.1 be amended by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council. Given that State highways 1 and 2 serve as a north-south key transport corridor across the city, the Hearing Committee agreed that it would be

prudent to work closely with the NZTA on transportation matters, and as such this should be added to the explanatory text of Policy 33.2.6.1 as follows:

**33.2.6.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.**

...

*However, in doing so, the Council recognises that many of the solutions to Wellington's traffic and public transport problems do not lie wholly within its control. The City's transportation system is shaped by the actions of many authorities or organisations, including Greater Wellington Regional Council, the New Zealand Transport Agency and companies involved in the movement of people and freight on land, sea or air. Where there are opportunities for input, Council will advocate for improved accessibility. Council will continue to work closely with Greater Wellington Regional Council and the New Zealand Transport Agency on transportation matters and the District Plan will remain consistent with the Regional Policy Statement, the Regional Land Transport Strategy and relevant plans.*

...

**Submission 55** supported the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10. The support of submission 55 was accepted by the Committee. **Submission 103** requested that all references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004. The Committee acknowledged that the standard referred to should be As/NZ Standard 2890.1-2004, therefore accepted this submission.

### Recommended Decisions

- **Accept** submission 131 insofar as it requests the retention of objectives 6.2.5 and 33.2.6 and their associated policies.
- **Accept** submission 118 insofar as it supports objectives and methods which avoid vehicle dominance of areas.
- **Accept** submission 117 insofar as it requests greater recognition of the state highway network in Policies 6.2.5.3 and 33.2.6.3.
- **Accept** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.1 be amended by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council.
- **Accept** submission 103 insofar as it requests that all references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004.
- **Accept** submission 55 insofar as it supports the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10.

## **4.9.2 Multi modes of transport**

### Submissions

Specific issues raised in submissions include:

- Amend Section 6.1 (Introduction) by inserting references to the promotion of integrated planning, implementation of multi modal transport systems



and the expectation that efficient use will be made of existing infrastructure in the first place (**Submission 117**).

- Supports objectives and methods which support sustainable transport options, including all modes of movement (**Submission 118**).
- Supports objectives and methods which make public transport systems more viable (**Submission 118**).
- Retain objectives, policies and rules that encourage the development of viable town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport (**Submissions 115 and 116**).
- Supports proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2 (outward expansion of Centres), 6.2.2.2 (retail activities), 6.2.5.1 (multiple transport modes), 6.2.5.2 (managing adverse effects) and Rules 7.3.1 (activities – carparking rule), 7.3.4 (integrated retail developments) and 7.3.10 (buildings and structures – carparking rule) (**Submission 117**).
- Amend policy 6.2.5.1 to move from a multiple modes approach to a traffic demand management approach (**Submissions 115 and 116**).
- Amend the explanation to Policy 6.2.5.1 by adding an additional bullet point to the second paragraph as follows: “*Make the best use of existing transport infrastructure*” (**Submission 117**).
- Consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5 (**Submission 131**).
- Amend Rule 34.3.5 by adding a new matter that provides discretion over the provision and location of facilities for multi modal transport (**Submission 117**).
- Add a new standard to require that where parking is provided for vehicles, at least an equivalent number of spaces is provided for bicycles, with cycle racks (**Submissions 115 and 116**).

### Discussion

**Submission 117** supported the explanatory information provided in Section 6.1, the Centres introduction, however requested that additional references be inserted into the introduction that explicitly refer to the promotion of integrated planning, implementation of multi modal transport systems and the expectation that efficient use will be made of existing infrastructure. This submission was supported by **further submission 2**.

The Committee supported strengthening the Plan Change in this way and therefore amended the 4<sup>th</sup> paragraph of section 6.1 as follows:

The health of Wellington’s Centres depends on their future vitality and viability which essentially relates to:

- promoting integrated planning
- retaining and developing a wide range of attractions and amenities
- creating and maintaining an attractive environment
- ensuring good accessibility to and within the centre, including the implementation of multi modal transport systems
- attracting continuing investment in development or refurbishment of existing buildings-

- making efficient use of existing infrastructure.

**Submission 118** supported the proposed objectives and methods which support sustainable transport options, including all modes of movement. Submission 118 also supported the proposed objectives and methods which make public transport systems more viable. This support was noted and accepted by the Hearing Committee.

**Submissions 115 and 116** requested that Council retain objectives, policies and rules that encourage the development of viable town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport. The Committee confirmed that there is no intention to remove or amend these parts of the plan and thus accepted these submissions.

**Submission 117** supported a proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2, 6.2.2.2, 6.2.5.1, 6.2.5.2 and Rules 7.3.1, 7.3.4 and 7.3.10. This submission with regard to Policy 6.2.5.1 was supported by **further submission 2**. The support of submission 117 was accepted by the Committee.

**Submissions 115 and 116** requested that Policy 6.2.5.1 be amended to move from a multiple modes approach to a traffic demand management approach, with suggested wording as follows:

*Ensure that activities and developments are designed to be accessible by active modes and public transport, and that the developments and activities incorporate design features that actively encourage and facilitate the use of those modes.*

The submissions stated that they did not believe it is necessary to require that developments be accessible by car – it may be entirely appropriate for a development to be only accessible by active modes (e.g. a development on a rear section with only a footpath connecting it to the streets). This submission was opposed by **further submission 2**.

The Hearing Committee did not support this proposal as they considered that there may be some situations where developments and activities do not need to be accessible by car – equally there will be other situations where they do not need to be accessible by public transport (the Council landfill for example). The Committee considered that the current wording caters for all reasonable eventualities.

**Submission 117** requested that the explanation to Policy 6.2.5.1 be amended by adding an additional bullet point to the second paragraph as follows: “Make the best use of existing transport infrastructure”.

The Hearing Committee supported this proposal, as they considered it was good practice to ensure that use of existing infrastructure is optimised before undertaking new investment. However, the Committee recommended inserting the text as the first bullet point in the second paragraph of the explanatory text statement to Policy 6.2.5.1, as shown below:

**6.2.5.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.**

...

*One way in which Council can improve transportation options around the City is through land use planning which carefully considers types of transport modes available in the area, as well as the location and scale of activities and development, parking control and the promotion of environmentally-friendly modes of travel and movement. By supporting this position, improved transportation options can:*

- make the best use of existing transport infrastructure;
- *help reduce traffic congestion, facility costs, road risk, environmental impacts and consumer costs;*
- *provide consumer sovereignty by enabling them to choose the most efficient option for each trip;*

...

**Submission 131** requested that Council consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5, which is about the restriction of small retail activities in the Tawa South and Takapu Island areas. Whilst the submission supported a park and ride facility at Takapu Island, the submission did not see a link between a park and ride facility at Takapu Island and the vitality of the Tawa Town Centre, and hence suggested that this method might be better suited under Policy 33.2.6.1. The Hearing Committee agreed with this suggestion and the change is as follows:

**33.2.6.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.**

**METHODS**

- Planning Maps
- Rules
- Master Plans, Structure Plans and Concept Plans
- Urban Development Strategy & Growth Spine concept (including Transport and Infrastructure Delivery Projects)
- National standard access design criteria including NZS 4121:2001 (or its successor)
- Operational activities (WCC Transport Strategy, Walking and Cycling Plans)
  - WCC Centres Policy
  - Annual Plan
  - Long Term Council Community Plan
- Advocacy (Council Social Policy)
- WRC operational activities for the proposed Takapu Island park and ride facility
- Other mechanisms (Regional Land Transport Strategy)

**Submission 117** supported Rule 34.3.5 and the various matters to which discretion is limited, and sought that an additional matter be added that provides discretion over the provision and location of facilities for multi modal transport. The Hearing Committee agreed with this submission as it encourages developers to consider and provide for a range of transport options beyond private motorised transport. This change is shown below:

**34.3.5 The construction of, or the addition to, buildings and structures in Business 1 Areas resulting in a total gross floor area exceeding 500m<sup>2</sup> are Discretionary Activities (Restricted) in respect of:**

**34.3.5.1 design, external appearance and siting**

34.3.5.2	the location and type of buildings or structures
34.3.5.3	site layout, parking and site access
34.3.5.4	adequate on-site car parking provision
<u>34.3.5.5</u>	<u>the provision and location of facilities for multi modal transport</u>
...	...

**Submissions 115 and 116** also requested that a new standard be added to require that where parking is provided for vehicles, at least an equivalent number of spaces are provided for bicycles, with cycle racks. This submission was opposed by **further submissions 2, 11 and 13**.

The Hearing Committee considered it unnecessary to require the provision of cycle parks in new buildings at the same ratio as provided car parks. Council policy has for many years promoted the use of public transport and as part of this has not required on-site parking in business and commercial areas since the operative Plan was first notified. As ancillary car parking is not specifically required in commercial areas, neither should ancillary cycle parking.

Whilst the Committee recognised that there is a need for a paradigm shift from the private motor car to multi modes of transport, it did not support actively restricting the choice of individuals. The Committee also recognised that for convenience sake, many people will journey to their local Centre in their private vehicle. The Committee noted that monitoring has identified that successful Centres have a readily available supply of car parks. The need to balance these two issues identifies that the current approach, to let the market dictate where and if car parks are created, is still largely appropriate. Council does provide for kerb side parking where possible to assist in the balance. Other concerns with parking relate to ensuring large parking areas do not have an impact on the roading network or urban design qualities of an area from inappropriate location, layout and design or location of access points.

Council does however encourage the provision of cycle parks, which has increasingly become common practice. Many spare areas exist in new or retrofitted buildings that function as storage areas for bikes by virtue of market/tenant demand.

Given that the Plan does not set standards for number of car parks to be provided, the Hearing Committee considered it inappropriate to set mandatory standards for the provision of cycle parks.

### Recommended Decisions

- **Accept** submission 117 insofar that it seeks that Section 6.1 (Introduction) be amended by inserting references to the promotion of integrated planning, implementation of multi modal transport systems and the expectation that efficient use will be made existing infrastructure in the first place.
- **Accept** submission 118 insofar as it supports objectives and methods which support sustainable transport options, including all modes of movement, and which make public transport systems more viable.
- **Accept** submissions 115 and 116 insofar as they seek the retention of objectives, policies and rules that encourage the development of viable

town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport.

- **Accept** submission 117 insofar as it supports the proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2, 6.2.2.2, 6.2.5.1, 6.2.5.2 and Rules 7.3.1, 7.3.4 and 7.3.10.
- **Reject** submissions 115 and 116 insofar that they seek that Policy 6.2.5.1 be amended to move from a multiple modes approach to a traffic demand management approach.
- **Accept** submission 117 insofar that it seeks that the explanation to Policy 6.2.5.1 be amended by adding an additional bullet point as follows: *“Make the best use of existing transport infrastructure”*.
- **Accept** submission 131 insofar that it seeks that Council consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5.
- **Accept** submission 117 insofar that it seeks that Rule 34.3.5 be amended by adding a new matter that provides discretion over the provision and location of facilities for multi modal transport.
- **Reject** submissions 115 and 116 insofar that they request that a new standard be added to require that where parking is provided for vehicles, at least an equivalent number of spaces is provided for bicycles, with cycle racks.

#### **4.9.3 Managing adverse effects**

##### Submissions

Specific issues raised in submissions include:

- Add an additional policy after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation (**Submissions 115 and 116**).
- Supports Policy 6.2.5.2 which sought to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces (**Submission 117**).
- Supports Policy 6.2.5.2, however sought amendment to explanation to policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres (**Submission 103**).
- Amend Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 to recognise the realities of supermarket customer travel characteristics (**Submission 108**).
- Supports the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4 (**Submission 117**).
- Supports the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects (**Submission 117**).

- Supports Policy 33.2.2.4 but sought the third bullet point of Policy 33.2.2.4 to be amended as follows: (relates to IRD).
  - *more than minor adverse impacts on the sustainability of the transport network (Submission 117).*
- Amend the explanatory text for Policy 33.2.6.1 by adding text outlining the adverse effects that car based travel can have on economic performance of business areas (**Submission 117**).
- Amend the explanation to Policy 33.2.6.2 by adding the following bullet point:
  - *Increases in public transport in some areas, while other areas have capacity in their public transport networks (Submission 117).*
- Add a new policy to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter, which supported the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels (**Submission 131**).
- Concerns about traffic congestion issues associated with further commercial development of the Mt Cook area; however no specific relief is requested (**Submission 100**).
- Include provisions to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces (**Submissions 115 and 116**).

### Discussion

**Submissions 115 and 116** requested that an additional policy be added after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation. The suggested wording was:

*“Ensure that activities and developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities so that traffic generation is minimised, and the use of public transport and active modes actively facilitated and encouraged.”*

The Hearing Committee considered it important that travel demand management (TDM) activities are incorporated into developments at the design stage, in order to prevent unnecessary traffic generation resulting. Retrofitting TDM measures can be more difficult, and poor design will actively generate unnecessary traffic. The sorts of activities that might be required in conditions include the development of travel plans, reduced provision of car parking, providing facilities for cyclists and walkers, providing enhanced public transport access (e.g. covered walkways to bus stops), providing real time information, etc. The Committee therefore supported the addition proposed above and is now recognised as Policy 6.2.5.3 under “Managing Adverse Effects”.

**Submission 117** supports Policy 6.2.5.2 which seeks to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces. The support of **submission 117** was accepted by the Committee.

**Submission 103** supports Policy 6.2.5.2, however seeks amendment to the explanation to the policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres. **Further**

**submission 2** supported this submission. The support of **submission 103** was accepted by the Committee but no changes were made to the policy, as requested by the submitter.

**Submission 108** requested that Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 be amended to recognise the realities of supermarket customer travel characteristics whereby surveys show that a high proportion of customers choose to use private vehicles for supermarket shopping. **Further submission 13** conditionally supported this submission provided that reference is made to ‘anchor stores’, not just supermarkets. **Further submission 18** opposed submission 108 in part, and requested that if Council adopts the submission, additional wording should be included stating that the impacts on the capacity of the roading network should be taken into account.

The Hearing Committee accepted that the use of private vehicles is a large part of supermarket shopping, however considered that the effects of this phenomenon on the transport network must be included as part of the assessment of any large scale development and this is what the policy and rule state. The Hearing Committee therefore did not accept this aspect of **submission 108**.

**Submission 117** supported the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4. The support of **submission 117** was accepted by the Committee.

**Submission 117** supported the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects. The support of **submission 117** was accepted by the Committee.

**Submission 117** supported Policy 33.2.2.4 but sought the fourth bullet point of Policy 33.2.2.4 to be amended as follows: (relates to IRD)

- *more than minor adverse impacts on the sustainability of the transport network*

The submission appears to be requesting that a lower threshold of effects be applied. The Committee are of the view that the threshold in the policy, which states “will not result in significant adverse impacts,” is appropriate. The submission was therefore not supported by the Committee.

**Submission 117** requested that the explanatory text for Policy 33.2.6.1 be amended by adding text outlining the adverse effects that car based travel can have on economic performance of business areas.

The effects of car based travel on economic performance are not clear cut and vary from area to area. For example, in certain centres and for certain businesses (such as big box retail), car access is likely to be positive. In other areas (particularly inner city retail) it may be neutral or even negative. The Hearing Committee therefore did not support the inclusion of text that indicates that car based travel is wholly negative to economic performance.

**Submission 117** seeks that the explanation to Policy 33.2.6.2 be amended by adding the following bullet point:

- *Increases in public transport in some areas, while other areas have capacity in their public transport networks.*

While the Hearing Committee recognised the intent of this proposed amendment, it was considered that the amendment would be too prescriptive in its effect because it would preclude developments in any area other than those with capacity available in the public transport network. Public transport capacity can be and is adjusted from

time to time across the network to respond in changing circumstances, including developments of various kinds. The submission was therefore not supported by the Committee.

**Submission 131** seeks that a new policy be added to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter, which supported the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels. The Committee supported this submission. The proposed policy reads as follows:

*6.2.5.2 Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.*

**Submission 100** raised concerns about traffic congestion issues associated with further commercial development of the Mt Cook area, however no specific relief is requested. The Hearing Committee believe that traffic congestion issues associated with development generally are already adequately covered in DPC 73 and no specific provisions are required for the Mt Cook area.

**Submissions 115 and 116** requested that provisions are included to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces.

The Committee noted that DPC 73 already requires consideration of the effects of developments on adjacent roads (6.2.5.2 and 33.2.6.2) and considered that this submission seems to be going further to the extent of requiring developers to actually make the transport network better than it was prior to the development. The Committee considered this to be an unreasonable imposition on developers and therefore did not support this submission.

### Recommended Decisions

- **Accept** submissions 115 and 116 insofar as they request that an additional policy be added after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation.
- **Accept** submission 117 insofar as it supports Policy 6.2.5.2 which sought to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces.
- **Accept** submission 103 insofar as it supports Policy 6.2.5.2 which sought to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces, however sought amendment to explanation to policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres.
- **Reject** submission 108 insofar as it requests that Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 be amended to recognise the realities of supermarket customer travel characteristics.
- **Accept** submission 117 insofar as it supports the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4.
- **Accept** submission 117 insofar as it supports the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects.



- **Accept** submission 117 insofar as it supports Policy 33.2.2.4 but **reject** the request that the third bullet point of Policy 33.2.2.4 be amended as follows: “*more than minor adverse impacts on the sustainability of the transport network*”.
- **Reject** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.1 be amended by adding text outlining the adverse effects that car based travel can have on economic performance of business areas.
- **Reject** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.2 be amended by adding the following bullet point: “*Increases in public transport in some areas, while other areas have capacity in their public transport networks*”.
- **Accept** submission 131 insofar as it requests that a new policy be added to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter.
- **Reject** submission 100 insofar as it has concerns about traffic congestion issues associated with further commercial development of the Mt Cook area, however no specific relief is requested.
- **Reject** submissions 115 and 116 insofar as they request that provisions be included to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces.

#### 4.9.4 Vehicle parking

##### Submissions

Specific issues raised in submissions include:

- Delete reference to maximum parking ratios within the Centre Zone; or apply a 1:20m<sup>2</sup> parking ratio to ‘anchor stores’ (Supermarkets/ department stores) and permit a minimum of one parking space per residential unit (Standard 7.6.1.7.1) (**Submissions 13 and 14**).
- Amend Standard 7.6.1.7.1 removing limit on parking for all activities in Centres zone, or alternatively apply the rule only to primary street frontages (**Submission 103**).
- Amend Standard 7.6.1.7.1 to provide different maximum car parking requirements for supermarkets (**Submission 108**).
- Amend definition of ‘gross floor area’ to ensure that where car parking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand. Alternatively, insert a new definition of ‘gross floor area (for the purpose of car parking requirements’ (**Submission 103**).
- Supports Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted) (**Submission 56**).
- Amend Rule 7.3.10 relating to parking spaces to recognise the realities of supermarket customer travel characteristics (**Submission 108**).
- Supports need for a resource consent if development exceeds 70 car parks (**Submission 19**).

- Delete Standard 7.6.1.7.5 relating to vehicle parking at ground level (**Submission 108**).
- Amend Standard 7.6.1.7.5 to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more than one primary or secondary street frontage (**Submission 103**).
- Amend Standard 7.6.1.7.5 so that it does not apply to service stations (**Submission 26**).
- Does not believe that parking is adequately addressed, the emphasis seems to be on not providing any, this type of policy is already resulting in a growth in the number of vehicles that are parked on the streets, and this will only get worse. No specific relief is requested (**Submission 100**).
- Include a provision that may require developers to provide off-street parking for residential developments if the increased parking demand will place pressure on the adjacent residential community's access to on-street parking (**Submissions 19 and 56**).
- That Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village (**Submission 58**).

#### **Submissions Relating to Rule 7.6.1.7.1**

**Submissions 13 and 14** have identified the inadvertent inclusion of a rule in the proposed provisions for Centres. **Further submission 1** supported submission 13 while **further submission 18** opposed both submissions 13 and 14.

The submissions are concerned with Rule 7.6.1.7.1 which states that activities in Centres do not have to provide on-site parking but where parking is provided it must not exceed a maximum of 1 space per 100m<sup>2</sup> gross floor area.

This rule has applied in the Central Area for some time and relates specifically to policies designed to constrain or otherwise manage the flow of commuter vehicles in and out of the City. The rule works to control the establishment of de facto parking buildings on sites which might be used for commuter parking.

The parking situation in the suburbs is quite different. For many years suburban Centres have suffered from a shortage of on-site parking and the spill-over into surrounding residential streets has caused problems.

Under former plans the Council proposed to address this by developing public car parking but the policies and provisions in this regard were not implemented to any significant extent. For the past two decades or more the Council has relied on private owners in the Centres to meet their parking needs.

In 1994 when the first District Plan under the RMA was prepared and notified the parking regime for suburban Centres was liberalised to facilitate the provision of parking. The former minimum parking rules were removed as they were often impractical to apply and a maximum level (as imposed in the Central Area) was not seen as necessary in the suburbs because the commuter traffic issue was not so relevant. The general thinking was that if private interests were prepared to construct some additional parking in suburban Centres it should necessarily be discouraged. While the overall aim is to promote compact and sustainable centres where there is good access to public transport the provision of parking is still considered to be importance in promoting the development and viability of Centres and for protecting the amenities of surrounding residential areas.

Under the current review of the Suburban Centre provision it was not intended to adopt the Central Area measures in the suburbs but in the rule drafting process the 1:100m<sup>2</sup> gross floor area rule was inadvertently transposed.

If the provision was to remain it would conflict with the existing policies and indeed require additional policy statements to justify the rule restriction. However, the Committee agreed with Council Officers and were of the view that the situation under the Operative District Plan should be maintained and Rule 7.6.1.7.1 removed.

In support of the above the submitters contended that the rule will make it extremely difficult for anchor stores, and particularly full service supermarkets, to locate and/or remain within the Centre zone. This is the case irrespective of the encouragement provided within DPC 73 for the intensification of development at Centre zoned sites. Even with an increase in the GFA footprint of sites it is unlikely that a sufficient quantum of parking will be delivered under proposed Standard 7.5.1.1 so as to allow a supermarket anchor to function.

The submitters argued that the identification of Primary and Secondary frontages within DPC 73 will be sufficient to ensure against vast areas of highly visible and expansive areas of at-grade car parking being provided at key central locations, to the detriment of the overall amenity of the Centres, without the need to introduce a draconian maximum parking ratio.

If the maximum parking requirement was to be retained then **submissions 13, 14 and 108** had requested that Standard 7.6.1.7.1 be amended to provide different maximum car parking requirements for supermarkets or anchor stores. **Submitters 13 and 14** requested the following:

*‘Activities in Centres are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:*

- *one space per 100m<sup>2</sup> gross floor area, with the exception of ‘anchor stores’ where one space per 20m<sup>2</sup> gross floor area ratio applies, and residential units where a minimum of one space per unit applies.*

**Submitter 108** requested the following variation:

*7.6.1.7.1 Activities in Centres are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:*

- *one space per 100m<sup>2</sup> gross floor area*
- *except for supermarkets which are permitted to provide one space per 20m<sup>2</sup> gross floor area.*

The submissions asserted that by not providing for onsite parking for supermarkets and other large stores in centres is an unrealistic proposition. It was argued that it is well established that for such uses a high proportion of customers choose to arrive by car. This modal split reflects the fact that for such shopping trips, it is not practical for people to carry all purchases home by foot, bike or on public transport, and that is not likely to change in the foreseeable future. **Further submission 13** conditionally supported this submission provided that reference is made to ‘anchor stores’, not just supermarkets. **Further submission 18** opposed submission 108 in part, and requested that Standard 7.6.1.7.1 be retained as notified.

Further, and particularly in relation to supermarket retailing, providing for a maximum of 1 space per 100m<sup>2</sup> does not reflect commercial reality nor the significance of anchor stores (such as as supermarkets) as arrival destinations for

many people visiting a centre. This could also result in congestion of surrounding streets and adverse effects on the viability of the centre as a whole, as people would choose to shop elsewhere due to a lack of convenient parking.

Likewise, **submission 103** opposed Standard 7.6.1.7.1, which limits the number of parking spaces to one space per 100m<sup>2</sup> GFA. The submission asserted that it is not appropriate to limit parking for all activities within the Centres zone and this will not achieve the objective of strengthening retail activity within Centres. The submission requested that Standard be amended to read:

*“Activities in Centres are not required to provide on-site vehicle parking ~~but where parking is provided it must not exceed a maximum of one space per 100m<sup>2</sup> gross floor area~~”.*

Alternatively the submission requested that the rule apply only to Primary Street Frontages. **Submission 103** asserted that the Plan Change acknowledge that there is a problem with ensuring adequate parking within Centres and unless there is an adequate supply of conveniently located public parking, retail businesses will be disadvantaged. This submission was supported by **further submissions 2 and 13** but opposed by **further submission 18**.

The matters raised by **submitters 13, 14, 103 and 108** relating to parking were acknowledged by the Committee and accepted to the extent that all uses in Centres should be permitted to provide off-street parking appropriate to their needs. Other Plan provisions had been included to ensure that any parking that is provided is properly located and designed in the interest of public safety, convenience and the protection of amenity values.

In relation to this matter **submission 103** also requested that the definition of ‘gross floor area’ be amended to ensure that where car parking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand. Alternatively, the submission requested that a new definition of ‘gross floor area (for the purpose of car parking requirements’ be inserted in the Plan Change, as follows:

**GROSS FLOOR AREA (FOR THE PURPOSE OF CARPARKING REQUIREMENTS):** *means the sum of the gross area of the floor or floors of a building or buildings (including any void area in those floors, such as a lift or service shaft) measured from the exterior faces of exterior walls, or from the centre line of walls separating two buildings. It does not include floor area occupied by car parking areas, loading and servicing facilities, and toilet facilities.*

Any discussion of the above definition would only be relevant if Standard 7.6.1.7.1 was to be retained as it is this provision that refers to ‘gross floor area’. However, the Committee agreed that the standard be deleted and the status quo under the operative District Plan be retained therefore the submission with regard to parking has been addressed.

Further to the above, **submissions 13 and 14** also argued that to facilitate the attractiveness and saleability of centrally located residential units and in order to avoid spill-over parking into surrounding residential areas, it would be beneficial for each of those units to have at least one (on-site) allocated parking space. As presently worded, proposed Standard 7.6.1.7.1 would make it difficult for any car parking spaces to be allocated to residential units incorporated within intensified mixed-use schemes within the Centre zone.

Council policy has for many years promoted the use of public transport and as part of this has not required on-site parking in business and commercial areas, including for residential activities, since the operative Plan was first notified. The reasons for this

are to maintain the City's compact urban form by encouraging public transport use, and to improve the visual streetscape appearance. In most cases it was anticipated that the market would provide sufficient on-site parking and standards would not allow for flexibility in the few cases where it may be appropriate. For these reasons, the Hearing Committee did not agree with the alternative wording for Standard 7.6.1.7.1 requested by the submissions, and therefore rejected this part of the submissions.

### **Submissions Relating to Standard 7.6.1.7.5**

**Submission 108** opposed Standard 7.6.1.7.5 relating to vehicle parking at ground level and requested that this standard be deleted. The submission asserted that some realistic allowance for at grade car parking that is visible from primary or secondary street frontages must be made. The submission also asserted that this standard is drafted in an extremely restrictive fashion, where even parking within a building is not enabled at ground level on identified frontages. This submission was supported by **further submissions 2 and 11** and supported in part by **further submission 13**.

The submitters argued that limited, well-landscaped parking in front of an anchor store (given their particular role within centres) is an acceptable urban design outcome particularly along Secondary Frontages (this is especially true for internal parking arrangements within the building envelope).

**Submission 26** also sought that Standards 7.6.1.7.5 relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, did not apply to service stations located on a Secondary Street Frontage.

It is a longstanding policy of Council to require display windows and verandahs on key commercial frontages and the opportunity has been taken through DPC 73 to further strengthen the design qualities of Centres.

While Rule 7.6.1.7.5 excludes parking on specified primary and secondary frontages the Committee noted that the standard is not absolute. The opportunity is available under Rule 7.3.5 for developers to seek a dispensation or waiver of the provision. This process will enable the merits of any parking proposal to be assessed.

As the Hearing Committee believed that urban design considerations should not be subservient to parking on key frontages it therefore rejected these submissions.

Similarly, **submission 103** opposed Standard 7.6.1.7.5 relating to vehicle parking at ground level and requested that this standard be amended to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more than one primary or secondary street frontage. The submission requested that Standard 7.6.1.7.5 be amended by adding the following:

*7.6.1.7.5 Open vehicle parking areas or parking at ground level within a building must not be situated at ground level at the front of sites where standard 7.6.2.6 (Primary and Secondary Street Frontages) applies.*

*Provided that:*

- *this rule does not apply to existing activities where additions or alterations to buildings do not exceed 10% of existing GFA*
- *sites (not being corner sites) with frontage to more than one Primary or Secondary Street Frontage may provide parking at ground level at the front of the street with the lower traffic volume*”.

The submission asserted that as some sites may have frontages to both a Primary and Secondary Street Frontage; the standard would have the effect of not allowing any parking on such sites, which would limit development options for retail activities requiring on-site parking. The submission also asserted that a number of vehicle orientated activities are located within existing centres and provide on-site parking for their customers. It would appear that the rule would apply to existing developments and require resource consent to be obtained where additions or alterations are proposed to an existing development with parking in front of the building. This imposes unnecessary consent costs on existing businesses. Businesses should not be required to justify the provision of parking for their customers.

For the reasons outlined in the comments to **submission 108** above this submission was not supported by the Committee.

**Submission 100** raised general concerns about the current parking policy which requires no off-street provision in Suburban Centres. It was argued that that parking is inadequately addressed and the current policy is resulting in a growth in the number of vehicles that are parked on the streets, which will only get worse. The submission did not request any specific relief.

The Hearing Committee acknowledged that there are difficulties with providing reasonable parking in Centres and that this creates pressures in surrounding residential areas. However, the Committee also acknowledged that parking rules in the form of either minimum or maximum requirements do not work in a way that would make any appreciable difference to the situation.

On one hand the historical pattern of development tends to work against the provision of on-site parking where minimum requirements are imposed and in any event extensive parking at grade runs counter to the promotion of compact and sustainable centres. Current policies are directed towards encouraging other transport modes.

On the other hand, as noted above, maximum requirements would work against the provision of parking where this might be proposed.

The Committee recognised that a strategic approach is required to transportation matters and associated issues such as parking and the Council continues to promote initiatives under the ambit of the current Transport Strategy. Reliance on District Plan rules will not necessarily achieve desired outcomes.

As this submission sought no relief it was rejected by the Committee.

### **Submissions relating to the 70 parking space requirement**

**Submission 56** supported Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted), whilst **Submission 19** supported the need for resource consent if development exceeds 70 car parks.

The 70 car parking space trigger deals with the local street impact at the point of access and is based on AS/NZS 2890.1 2004 Table 3.3 which considered potential queuing on street at the car park entry and recommends space be provided for 2 cars or 3% of total car park spaces whichever is the greater for a car park not greater than 100 cars capacity. This translates to 70 car parks, which is also the car parking trigger for the Central Area. Officers considered that this trigger appears to have worked satisfactorily in the Central Area and allows for a reasonable generic level of on street queuing on a typical inner city street without causing undue obstruction and delay to traffic. Officers considered it appropriate to apply the 70 space figure to Centres as well as the Central Area for consistency. For these reasons, the support of these two submissions was accepted by the Committee.

**Submission 108** requested that Rule 7.3.10 relating to parking spaces be amended to recognise the realities of supermarket customer travel characteristics, in that a high proportion of customers choose to use private vehicles for supermarket shopping. As such, the submission requested that Rule 7.3.10 be amended as follows:

*7.3.10 The construction of buildings or structures ~~involving the provision of~~ which provide more than 70 parking spaces is a Discretionary (Restricted) Activity in respect of:*

*7.3.10.1 the movement of vehicular traffic to and from the site.*

*7.3.10.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.*

*7.3.10.3 the provision and location of facilities for multiple modes of transport (but in respect of supermarkets, having regard to their particular operational characteristics which necessitate travel by private vehicle).*

Rule 7.3.10 identified the three matters for which discretion has been reserved for assessing applications for parking above the 70 parking space threshold.

With regard to the wording of the rule the Committee considered that replacing the words 'involving the provision of' with 'which provide' was more concise and therefore accepted the submission. To be consistent, the Committee also considered it appropriate to amend the wording of Rule 34.3.12.

However, the Committee did not support the suggested addition to provision 7.3.10.3 relating to supermarkets. The provision identifies the matter for discretion but it is not considered that this should be qualified for a specific use type. Not all supermarket customers arrive or depart by private vehicle and it was believed appropriate therefore that for any new development triggering Rule 7.3.10 that a transport assessment is provided that considered other transport modes. This will be achieved with the wording of the rule as drafted.

### **Parking – General**

**Submissions 19 and 56** noted that new residential developments in Centres were not required to provide off street parking, in order to encourage use of public transport. While the motive is admirable, the submissions noted that the reality is that some and probably most of the new residents will have cars and will need to put them somewhere. **Submissions 19 and 56** requested that Council include a provision in the Plan Change that may require developers to provide off-street parking for residential developments if the increased parking demand will place pressure on the adjacent residential community's access to on-street parking.

As previously discussed, Council policy does not require on-site car parking for residential activities within Centres. The key reasons for this are to maintain the City's compact urban form, encouraging public transport use, promoting mixed use and vitality and improving the visual townscape qualities. The Committee believed that this policy is appropriate and provided the necessary flexibility to provide more intensive residential development in areas that have good access to all services and facilities where there is less need to rely on the ownership of a motor vehicle.

The Committee acknowledged that there is a longstanding issue of spill-over traffic from Centres parking in residential areas but did not consider that this would be addressed to any significant extent by imposing minimum requirements on residential uses. The Committee was of the view that this would only deter the establishment of new residential development in areas where more intensive growth is desirable. In many respects the market can appropriately determine the level of

parking provision. In Centres there is no need for further regulation. Permitted commercial uses will continue to generate more traffic than can be accommodated on site. Consequently the protection of existing residential neighbourhoods will for some time be more reliant on the rigorous enforcement of on-street parking requirements and the promotion of other methods to minimise parking demand.

In light of the above the Hearing Committee did not accept these submissions.

**Submission 58** requested that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

The Committee did acknowledge the need for parking to support local business but also recognised the difficulties of providing parking to meet increasing demands in Centres such as Marsden Village. The key question is how reasonably parking can be provided without detracting from the attractiveness or viability of the centre, without encroaching unduly into surrounding residential properties and without relying on public funding to construct off-street parking.

In the current environment the Committee did not consider that the District Plan necessarily provided the most appropriate means for creating additional parking but recognised that it does play a role in ensuring that there are no unnecessary regulatory barriers to achieving parking improvements.

Officers reminded the Committee that it was a private initiative that led to the establishment of a joint rear parking area on the east side of Marsden Village which is an example of how commercial imperatives can, with the support of the Council, prompt action and achieve improvements. Opportunities still exist in the village to make further improvements but this would require support from multiple owners.

Although this submission sought no specific relief, the Committee accepted the submission insofar as it requested that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

### Recommended Decisions

- **Accept** submissions 13, 14, 103 and 108 to the extent that Standard 7.6.1.7.1 is deleted.
- **Reject** submissions 13 and 14 insofar as they request that a 1:20m<sup>2</sup> parking ratio be applied to ‘anchor stores’ (supermarkets/ department stores) and permit a minimum of one parking space per residential unit (Standard 7.6.1.7.1).
- **Reject** submission 108 insofar as it requests that Standard 7.6.1.7.1 be amended to provide different maximum car parking requirements for supermarkets.
- **Reject** submission 103 insofar as it requests that Standard 7.6.1.7.1 be amended to remove the limit on parking for all activities in Centres zone, or alternatively apply the rule only to primary street frontages.
- **Reject** submission 103 insofar as it requests that the definition of ‘gross floor area’ be amended to ensure that where car parking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand.
- **Reject** submission 108 insofar as it requests that Standard 7.6.1.7.5 relating to vehicle parking at ground level be deleted.



- **Reject** submission 26 requesting that Standard 7.6.1.7.5 does not apply to service stations.
- **Reject** submission 103 insofar as it requested that Standard 7.6.1.7.5 be amended to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more than one primary or secondary street frontage.
- **Reject** submission 100 insofar as it has concerns about parking requirements, however no specific relief is requested.
- **Accept** submission 56 insofar as it supports Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted).
- **Accept** submission 19 insofar as it supports the need for resource consent if development exceeds 70 car parks.
- **Reject** submission 108 insofar as it requests that Rule 7.3.10 relating to parking spaces be amended to recognise the realities of supermarket customer travel characteristics.
- **Accept in part** submission 108 in that in Rule 7.3.10 the words ‘involving the provision of’ be replaced by the words ‘which provide’.
- **Reject** submissions 19 and 56 insofar as they request that a provision be included that may require developers to provide off-street parking for residential developments if the increased parking demand will place pressure on the adjacent residential community’s access to on-street parking.
- **Accept** submission 58 insofar as it requests that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

#### **4.9.5 Accessibility – pedestrians and people with restricted mobility**

##### Submissions

Specific issues raised in submissions include:

- Supports Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility (**Submission 117**).
- Amend Policy 6.2.5.5 and insert new rules/standards to provide opportunities to improve pedestrian networks where they are deficient (**Submissions 115 and 116**).
- Retain objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc) (**Submissions 115 and 116**).
- Supports provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods (**Submission 118**).
- Strongly supports design of “mid-block pedestrian access ways” and suggests that these should also be available for cyclists and other such healthy modes of movement (**Submission 118**).

- Make increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport (**Submission 118**).
- Supports provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access (**Submission 118**).
- Include vehicle access rules within Centres to ensure that vehicle movements across footpaths can be properly controlled from a safety and amenity perspective (**Submission 93**).
- That the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations (**Submission 122**).

### Discussion

**Submission 117** supported Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility. The support of **submission 117** was noted and accepted by the Hearing Committee.

**Submissions 115 and 116** argued that Policy 6.2.5.5 does not go far enough in recognising that problems with pedestrian networks should be corrected when major developments occur, and suggest that Policy 6.2.5.5 should be amended to read:

*6.2.5.5 Maintain and enhance existing pedestrian access ways and thoroughfares, and where opportunities arise, or there are significant network deficiencies create new thoroughfares and enhance pedestrian accessibility.*

The Hearing Committee was of the view that the amended wording is unnecessary as the ability to rectify significance network deficiencies is already provided for in the existing wording.

**Submissions 115 and 116** also asserted that new rules/standards be inserted that allow the Council to require developers to contribute land where that is needed to provide improved access across large blocks, or where for topographic reasons public access across the city is adversely affected by the lack of an access route across the relevant land.

The Committee considered this submission to be too prescriptive and also unnecessary as it is already possible to arrange for developers to contribute land on a case by case basis via individual negotiations during the consenting process. The submission was not supported by the Committee.

**Submissions 115 and 116** requested that Council retain objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc). The support of **submissions 115 and 116** was noted and accepted by the Committee.

**Submission 118** supported provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods. The support of **submission 118** was noted and accepted by the Committee.

**Submission 118** strongly supported design of “mid-block pedestrian access ways” and suggested that these should also be available for cyclists and other such healthy modes of movement. The support of **submission 118** was noted and accepted by the Committee.

**Submission 118** requested that Council make increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport.

The plan change is intended to provide a balanced approach to the various modes of transport (private vehicles, public transport and non-motorised transport) to provide a choice of modes for citizens. The Hearing Committee considered that the balance in the plan was appropriate and thus did not support providing increased emphasis on public transport and non-motorised transport.

**Submission 118** supported provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access. The support of **submission 118** was noted and accepted by the Committee.

**Submission 93** sought that vehicle access rules are included within Centres to ensure that vehicle movements across footpaths can be properly controlled from a safety and amenity perspective.

The Committee noted that such rules currently exist in DPC 73 and these were considered adequate. For this reason, this submission was rejected by the Committee.

**Submission 122** requested that the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations.

The Committee noted that existing legislative requirements for parking for mobility-impaired people already exist and considered these sufficient to manage the issues.

### Recommended Decisions

- **Accept** submission 117 insofar as it supports Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility.
- **Reject** submissions 115 and 116 insofar as they request that Policy 6.2.5.5 be amended and that new rules/standards be inserted to provide opportunities to improve pedestrian networks where they are deficient.
- **Accept** submissions 115 and 116 insofar as they request that objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc) are retained.
- **Accept** submission 118 insofar as it supports provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods.
- **Accept** submission 118 insofar as it supports the design of “mid-block pedestrian access ways” and suggest that these should also be available for cyclists and other such healthy modes of movement.
- **Reject** submission 118 insofar as it requests that Council makes an increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport.
- **Accept** submission 118 insofar as it supports provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access.
- **Reject** submission 93 insofar as it requests that Council include vehicle access rules within Centres to ensure that vehicle movements across

footpaths can be properly controlled from a safety and amenity perspective.

- **Reject** submission 122 insofar as the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations.

#### 4.9.6 Site servicing

##### Submissions

Specific issues raised in submissions include:

- Amend Standard 7.6.1.7.6 to exempt lifts which only service parking levels (**Submission 108**).
- Delete Standard 7.6.1.7.9 (**Submission 108**).
- Amend Standard 7.6.1.7.9 so that the standard does not apply to service stations (**Submission 26**).
- Opposes provisions of loading on smaller sites and seeks changes to standards so that no loading bay is required where:
  - the retail/service activities on the site have a floor area of less than 200m<sup>2</sup>; and
  - the site has a width narrower than 25m; and
  - there is an existing on-street loading bay within 50m of the site (**Submission 55**).
- Requests that the provision for service lanes should be encouraged within the rules (**Submission 77**).

##### Discussion

**Submission 108** requested that Standard 7.6.1.7.6 be amended to exempt lifts which only service parking levels, and so that it reads as follows:

*7.6.1.7.6 On each site in Centres (excluding Neighbourhood Centres, as listed in Policy 6.2.1.1), at least one loading area shall be provided as follows:*

- ...
- *for buildings serviced by lifts, all levels shall have access to a loading area by way of a lift except where lifts only service parking levels;*
- ...

The submission asserted that this amendment reflects that it is unnecessary for lifts which are limited to servicing parking levels to have lift access to a loading area.

Officers did not agree with this submission as the use of parking levels may change over time and it is appropriate that the opportunity be retained for servicing. Also, parking levels can be used by service vehicles i.e. smaller courier vans and it would be useful therefore for lift access to be available to other floors. For these reasons, Officers recommended that this submission be rejected.

The Hearing Committee carefully considered the submission and agreed with the reasoning provided by the submission. The Committee therefore accepted this submission.

**Submission 108** opposed Standard 7.6.1.7.9 requiring that new servicing and loading areas not be situated at ground level at the front of sites to which standards for Primary and Secondary Frontages apply. This submission was supported by **further submissions 2 and 11**.

**Submission 26** sought that standard, 7.6.1.7.9 relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively; do not apply to service stations located on a Secondary Street Frontage.

The submissions asserted that these standards are unrealistic and access may be appropriate from both primary and secondary frontages, and often particularly along Secondary Frontages. The submissions also asserted that one access per frontage often may not be adequate, particularly if there are dedicated access- and egress-ways.

The Hearing Committee acknowledged that such uses have special servicing needs but noted that it is a longstanding policy of the Council to protect key shopping frontages where there are higher pedestrian flows. The Committee was of the view that it is not good planning to mix servicing with pedestrians.

The Committee also noted that the standard is not absolute and in particular cases where servicing or loading on identified frontages may be appropriate then there is the opportunity for assessment as a Discretionary Restricted Activity.

For the above reasons the Committee rejected these submissions.

**Submission 55** opposed provisions of loading on smaller sites and sought changes to standards so that no loading bay is required where the retail/service activities on the site have a floor area of less than 200m<sup>2</sup>; and the site has a width narrower than 25m; and there is an existing on-street loading bay within 50m of the site.

As a general principle, Officers believed that all commercial premises should have appropriate serving arrangements and for this reason a rule has been included requiring at least one loading area for each site.

However, the Hearing Committee acknowledged that the diversity of business activities, the subdivision and design of premises and the changing nature of servicing make the application of a standard rule somewhat problematic. Nevertheless the Council has maintained a standard loading rule for a long time in view of the practical difficulties of preparing rules to meet diverse situations.

The approach that has been carried into DPC 73 is to provide a “trigger” (that necessitates resource consent) so that proposals can be assessed on their merit via a resource consent assessment process involving input from relevant Council advisers. The Committee was of the view that this approach provided a better way of tailoring loading to particular sites and is believed preferable to blanket exceptions or varying standards.

For the above reasons the Committee rejected these submissions.

**Submission 77** requested that the provision for service lanes should be encouraged within the rules. The increased number of service vehicles double parking on the primary street frontages cause traffic delays and hazards which would be mitigated by an effective service lane at the rear.

Service lane access is usually provided for in the District Plan where there are multiple owners and land must be taken to secure a service lane route. There is nothing to prevent private owners cooperating to achieve access but in the past

Council designations have often been imposed to compel owners to contribute to the development of service lane access.

In more recent times the Council has not been committed to imposing service lane designations and has instead relied on rules for all sites to have loading facilities but not accessed across important pedestrian frontages. The rules also provide that where access can be provided from an existing service lane or right-of-way registered in favour of the site or other private road or private right-of-way, no vehicle access shall be from the street.

The Committee considered that in the main the rules work satisfactorily to achieve appropriate site servicing and therefore agreed that they be maintained. The Committee was not of the view that consideration should be given to extending the rules to promote service lane access as rules cannot compel multiple owners to work together.

Accordingly the Committee rejected these submissions.

#### Recommended Decisions

- **Accept** submission 108 insofar as it requested that Standard 7.6.1.7.6 be amended to exempt lifts which only service parking levels.
- **Reject** submission 108 insofar as it requested deletion of Standards 7.6.1.7.9 relating to site servicing.
- **Reject** submission 26 requesting that Standard 7.6.1.7.9 not apply to service stations located on secondary frontages.
- **Reject** submission 55 insofar as it sought changes to standards for loading bays.
- **Reject** submission 77 insofar as it requested that the provision for service lanes should be encouraged within the rules.

#### **4.9.7 Access**

##### Submissions

Specific issues raised in submissions include:

- Amend Standards 7.6.1.11 and 7.6.1.13 relating to street frontages and vehicle accesses to clarify their intent to read as follows:  
*“No new vehicle access is permitted ~~at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.~~” (Submission 31).*
- Delete Standard 7.6.7.1.14 relating to access to primary frontages (**Submission 31**).
- Delete Standard 7.6.2.6.7, relating to restrictions on vehicle oriented uses along primary street frontages, and the definition of ‘vehicle oriented uses’ (**Submission 31**).
- Delete Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages (**Submission 103**)

- Amend Standard 34.6.1.7 to include an additional clause that restricts access to any site across any restricted road frontage identified on Planning Maps 43-46 (**Submission 117**).
- Specify that Standard 7.6.1.11, relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively; do not apply to service stations located on a Secondary Street Frontage (**Submission 26**).
- Opposes Standards 7.6.1.7.11, 7.6.1.7.13, and 7.6.1.7.14, 7.6.1.7.15, 7.6.1.7.16 and 7.6.1.7.17 relating to site servicing and site access for vehicles (**Submission 108**).
- Recognise existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals for key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14) (**Submissions 13 and 14**).
- Supports Standards 7.6.1.7.7 through to 7.6.1.7.12, which sets out the requirements for vehicle access to sites (**Submission 117**).
- Supports Standards 34.6.1.7.7 to 34.6.1.7.12 relating to vehicle parking, servicing and site access (**Submission 117**).
- Amend Standards 7.6.1.7.13 and 34.6.1.7.9 by restricting access to State Highways to help ensure the safety and efficiency of the State highway network is maintained (**Submission 117**).
- Include a new Standard under 43.6.1.7 for Restricted Road frontages (**Submission 117**)

### Discussion

**Submission 31** sought that Standards 7.6.1.7.11 and 7.6.1.7.13 relating to street frontages and vehicle accesses be amended to clarify their intent to read as follows:

- 7.6.1.7.11 *“No new vehicle access is permitted ~~at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.~~”*
- 7.6.1.7.13 *“Subject to Standard 7.6.1.7.11, ~~There shall be a maximum of one vehicle access to any site except for sites that have more than one frontage. In such cases, a site may have one access across each frontage.~~”*

**Submission 31** also sought that Standard 7.6.7.1.14, relating to access to primary frontages, be deleted.

The Hearing Committee agreed with Officers that minor changes to the provisions relating to site access for vehicles and primary and secondary street frontages were required to help clarify the intent of the standards so that no new vehicle access will be permitted on a site that has an identified primary street frontage. The Committee considered that Standard 7.6.1.7.14 was confusing; by amending Standards 7.6.1.7.11 and 7.6.1.7.13 to clarify their intent, Standard 7.6.1.7.14 becomes superfluous.

**Submission 31** also requested that as a result of the changes to Standards 7.6.1.7.11, 7.6.1.7.13 and 7.6.1.7.14, that Standard 7.6.2.6.7, relating to vehicle oriented uses along primary frontages, be deleted. This would also subsequently render the definition of ‘vehicle oriented uses’ superfluous. This submission was supported by **further submissions 11 and 13**.

Further to the above, **Submission 103** also opposed Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages, and requested that it be deleted. The submission asserted that the principle of restricting vehicle oriented uses on all major roads within Centres (if that is the intention) is fundamentally contrary to section 5 of the RMA, by making it difficult for an extensive range of retail activities, including drive through restaurants, to establish within Centres. It is therefore contrary to the principle of enabling communities to provide for their economic wellbeing, and contrary to the stated objective of strengthening retailing in Centres zones. This submission was supported by **further submission 13**.

With regard to **submission 31** and related **submissions 103 and 117** Officers recommended that the subject provisions be clarified and that **submission 31** be accepted. Insofar as this recommendation addressed submission 117 and deletes Standard 7.6.2.6.7 it was also recommended that **submissions 117 and 103** be accepted.

At the hearing, Jenny Hudson, on behalf of **submitter 103** advised that she supported the Officers' recommendations to delete Standard 7.6.2.6.7 and the recommended amendments to Standard 7.6.1.7.11, which restricts new access point on primary street frontages only. The Committee noted and accepted this support and therefore accepted submission 103, as well as submissions 31 and 117.

**Submission 108** opposed access standards 7.6.1.7.11, 7.6.1.7.13, 7.6.1.7.14, 7.6.1.7.15, 7.6.1.7.16 and 7.6.1.7.17, relating to site access. The submission asserted that these standards are unrealistic in respect of supermarkets. Access to an anchor store (given their particular role within centres) may be appropriate from both primary and secondary frontages, and often particularly along Secondary Frontages. The submission asserted that one access per frontage often may not be adequate, particularly if there are dedicated access- and egress-ways. This submission was supported by **further submissions 2 and 11** with regard to Standards 7.6.1.7.11, 7.6.1.7.13, 7.6.1.7.14, 7.6.1.7.15 and 7.6.1.7.16. **Submission 108** was opposed in part by **further submission 118** with regard to Standards 7.6.1.7.13, 7.6.1.7.14 and 7.6.1.7.16.

**Submission 26** sought that Standard 7.6.1.11, relating to site access for vehicles did not apply to service stations located on a Secondary Street Frontage. The submission asserted that while the Proposed Plan Change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then places severe constraints on the ability of a service station to meet these standards. The location or redevelopment of a service station could be denied by an inability to meet standards that are impractical for any service station to achieve. Service stations by their nature require a large land area relative to building footprint and significant and safe vehicle manoeuvring space between the road frontage and the building. In addition, for reasons of access, service stations are often most appropriately located on a corner site.

**Submissions 13 and 14** also opposed Standards 7.6.1.7.11, 7.6.1.7.13 and 7.6.1.7.14, relating to site access for vehicles and amended wording was requested.

**Submissions 13 and 14** sought that existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals are recognised for key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14). The submissions requested that existing accesses on primary and secondary street frontages be recognised and can remain, including with minor alterations; and thus suggested alternative wording to Standards 7.6.1.7.11 and 7.6.1.7.14, as follows:



7.6.1.7.11 *“No new vehicle access is permitted at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies. Existing vehicle access on Primary and Secondary Frontages (as at 29 September 2009) are recognised and can be retained as part of any redevelopment plans for specific sites.”*

7.6.1.7.14 *“No new vehicle access shall be provided to a primary frontage on a site that also has a frontage to a secondary street frontage. Existing vehicle accesses on Primary and Secondary Street Frontages (as at 29 September 2009) are recognised and can be retained as part of any redevelopment plans for specific sites.”*

**Further submission 1** supported submission 13 with regard to Standards 7.6.1.7.1, 7.6.1.7.11 and 7.6.1.7.14, and submission 14 with regard to Standards 7.6.1.7.11 and 7.6.1.7.14.

The access standards are in the main longstanding provisions that have been carried over from the operative plan and they also generally mirror the standards for the Central Area.

While the Committee acknowledged that there will always be development situations where particular standards may not be entirely appropriate it was considered that they are reasonable and workable.

The Committee considered it important to note that none of the standards are absolute and for special cases dispensations or waivers may be considered under the Discretionary Activity (Restricted) provisions. This approach was considered preferable to attempting to amend or refine the standards for particular types of activities.

The Committee therefore considered that subject to the amendments recommended under **submission 31** the standards be retained and **submissions 13, 14, 26 and 108** be rejected.

**Submission 117** supported Standards 7.6.1.7.7 through to 7.6.1.7.12, and Standards 34.6.1.7.7 to 34.6.1.7.12 which sets out the requirements for vehicle access to sites. This submission was opposed by **further submission 2**. The support of **submission 117** was noted and accepted by the Committee.

**Submission 117** requested that Standards 7.6.1.7.13 and 34.6.1.7.9 be amended by restricting access to State Highways to help ensure the safety and efficiency of the state highway network is maintained. **Further submissions 2 and 11** opposed submission 117 with regard to Standard 7.6.1.7.13.

The Committee considered that it would be helpful to make reference to restrictions to State Highways and therefore accepted the submission with the following words added at the end of Standards 7.6.1.5.12 and 34.6.1.6.9:

*“unless one of the frontages is to a State highway, in which case no access shall be to the State highway.”*

**Submission 117** also requested that under 34.6.1.7 (Vehicle parking, servicing and Site Access) a new activity standard that states:

*“No access shall be permitted to a site across any restricted road frontage identified on District Plan Maps 43-46.”*

The Committee noted that there appeared to be some confusion with this submission which relates to Business Areas as the reference to District Plan Maps 43-46 relates to properties in Centre zones.

If the intention of the submission is to control access to properties in Business Areas fronting State highways then it is considered that this is covered by the proposed additional wording to Standard 34.6.1.6.9 (see submission above).

Accordingly the Committee rejected this submission.

### Recommended Decisions

- **Accept** submission 31 insofar as it requests the amendment of Standards 7.6.1.11 and 7.6.1.13 relating to street frontages and vehicle accesses to clarify their intent and the provision be amended as follows:
  - 7.6.1.7.11 *“No new vehicle access is permitted ~~at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.~~”*
  - 7.6.1.7.13 *“Subject to Standard 7.6.1.7.11, There shall be a maximum of one vehicle access to any site except for sites that have more than one frontage. In such cases, a site may have one access across each frontage.”*
- **Accept** submission 31 insofar as it requests the deletion of Standard 7.6.7.1.14 relating to access to primary frontages.
- **Accept** submission 31 insofar as it requests the deletion of Standard 7.6.2.6.7, relating to restrictions on vehicle oriented uses along primary street frontages, and the definition of ‘vehicle oriented uses’.
- **Accept** submission 103 insofar as it requests deletion of Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages.
- **Reject** submission 108 insofar as it requests deletion of Standards 7.6.1.7.11, 7.6.1.7.13, and 7.6.1.7.14, 7.6.1.7.15 and 7.6.1.7.16 relating to site servicing and site access for vehicles.
- **Reject** submission 26 insofar as it requests that Standards 7.6.1.7.5, 7.6.1.7.9 and 7.6.1.11, relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, do not apply to service stations located on a Secondary Street Frontage.
- **Reject** submissions 13 and 14 insofar as they request the recognition of existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals for key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14).
- **Accept** submission 117 insofar as it supports Standards 7.6.1.7.7 through to 7.6.1.7.12, which sets out the requirements for vehicle access to sites.
- **Accept** submission 117 insofar as it supports Standards 34.6.1.7.7 to 34.6.1.7.12.
- **Accept** submission 117 insofar as it requests that Standards 7.6.1.7.13 and 34.6.1.7.9 be amended by making reference to restrictions to State Highways by adding the following words at the end of Standards 7.6.1.7.13 and 34.6.1.7.9:
  - “unless one of the frontages is to a State highway, in which case no access shall be to the State highway.”*

- **Reject** submission 117 requesting the inclusion of a new Standard in 34.6.1.7 restricting access to properties identified on District Plan Maps 43-46.

## 4.10 NOISE

A number of submissions have been received relating to noise issues, ranging from definitions to specific standards regarding noise levels in both Centres and Business Areas. These are discussed further below.

### 4.10.1 General

#### Submissions

Specific issues raised in submissions include:

- Supports objectives and methods which reduce noise levels in all areas (**Submission 118**).
- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to:
  - provide guidance on the best practical option on dealing with construction noise; and
  - clarify that controls are placed on the upper level of noise able to be generated by existing speakers; and
  - applications to install new speakers will be assessed as non-complying activities; and
  - provide guidance on what Council will consider when assessing applications to exceed noise standards in the District Plan (**Submission 31**).
- Withdraw all references to “L<sub>eq</sub>” and associated nomenclature and replace with “L<sub>10</sub>” in a manner consistent with the Operative District Plan (**Submission 102**).
- Delete Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise as there are no Centres within the Port Noise Control Line shown on Planning Map 55 (**Submission 31**).
- Amend Rules 7.3.5.14 and 34.3.4.14 to delete the level of discretion provided for in the rule (**Submission 31**).
- Include within the S32 report the option to undertake a full review of District Plan noise matters in a subsequent district wide review (**Submission 102**).
- Minor correction to Standards 7.6.1.3.1 and 34.6.1.3.1, relating to electronic sound systems noise, to change unit of measurement from L<sub>10</sub> to L<sub>eq</sub>, and other minor amendments to ensure consistency with other standards. Standards 7.6.1.3.1 and 34.6.1.3.1 to read as follows:
 

*“xx.6.1.3.1 ~~The Noise Emission Levels in Centres~~ in any public space (including streets and parks) generated by electronic sound systems shall not exceed 75dBA L~~10~~<sub>eq</sub> when measured over any 2 minute period...”* (**Submission 31**).

- Amend noise standards of Standard 7.6.1 to reflect the relevant updated NZ Standards which provide the appropriate balance between enabling activities and ensuring a reasonable level of amenity (**Submission 64**).
- Support the new noise provisions, including the use of the  $L_{Aeq}$  (15 min) indicator and the inclusion of 7-day limits (i.e. Monday to Sundays, in Standards 7.6.1.1, 7.6.1.2 and 34.6.1.1.1, as opposed to the old provisions which applied the night time limits for the full day on Sunday) (**Submission 108**).
- That the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code (**Submission 122**).
- Amend the reference at 7.3.5.14 to refer to 7.6.1.2 rather than 7.6.2.1 (**Submission 108**).
- Noise of ‘revving’ engines through the night should be acknowledged within the District Plan (**Submission 9**).
- Submission sought clarification on the noise implications between 7pm and 7am to their property at 53/55 Hanson Street, Mt Cook (**Submission 100**).
- Confirm that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Kilbirnie Centre (Standard 7.6.1.1.5) (**Submission 13**).
- Confirm that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Johnsonville Centre (Standard 7.6.1.1.5) (**Submission 14**).
- Amend 6th paragraph, third sentence on page 33/2 (provision 33.1) to include reference to Residential Areas being affected by noise from port activities (**Submission 22**).
- Delete Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, to ensure consistency with other chapters of the operative District Plan (**Submission 31**).

### Discussion

DPC 73 proposes to alter the methods used by Council to manage noise effects in Centres and Business Areas. The key change is the proposal to update the noise controls to be consistent with the latest NZ Standard for noise measurement, which requires a move away from using  $L_{10}$  for measuring noise, replacing these with  $L_{Aeq}$ .

The support of **submission 118** relating to the objectives and methods which reduce noise levels in all areas was accepted by the Committee.

The support of **submission 108** in the use of the new noise provisions, including the use of the  $L_{Aeq}$  (15 min) indicator and the inclusion of 7-day limits, was also accepted by the Committee.

**Submission 31** requested additional policy guidance in Chapters 6 and 33 for dealing with fixed plant noise, construction noise and electronic sound systems noise. The submission stated that additional policy guidance is also required for dealing with resource consent applications that exceed noise standards and for activities within the Port Noise Area and the Air Noise Boundary. The Committee considered that by including additional policy guidance the Centres and Business Areas chapters

will then also be consistent with the Central Area policies introduced as part of DPC 48. The Committee therefore considered it appropriate to accept this submission.

**Submission 102** requested that all references to “ $L_{eq}$ ” and associated nomenclature be withdrawn and replaced with “ $L_{10}$ ” in a manner consistent with the Operative District Plan. The submitter was concerned that the changes made to DPC 73 would result in the need to apply differing noises measurement techniques in different zones of the city. The Hearing Committee noted that the advice from Council’s Noise Officers was that  $L_{eq}$  is now the recognised way of measuring noise. Although DPC 72 and 73 would be inconsistent with some other parts of the Plan, it was anticipated that the remaining chapters of the Plan would be updated to  $L_{eq}$  in the upcoming comprehensive review of the Plan (which is due to be commenced in 2011).

**Submission 31** sought that Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise be deleted as there are no Centres within the Port Noise Control Line shown on Planning Map 55. The Committee accepted this submission to clarify any confusion.

**Submission 31** also sought that Rules 7.3.5.14 and 34.3.4.14 be amended to delete the level of discretion provided for in the rule. The Committee accepted this submission, as it considered it inappropriate to have a level of discretion in a rule in a district plan.

**Submissions 31 and 64** requested a minor correction to change the unit of measurement in Standard 7.6.1, specifically 7.6.1.3.1, and also 34.6.1.3.1 from  $L_{10}$  to  $L_{eq}$ , and other minor amendments. The Committee considered it appropriate to accept these submissions to ensure consistency with other standards and to reflect the relevant updated New Zealand Standards.

**Submission 64** also requested a number of other amendments to the noise standards of 7.6.1 including:

- Under Standard 7.6.1.1.1 delete “60” and replace with “65” and delete “At all times 85dB  $L_{Fmax}$ ”.

The 60 dBA  $L_{Aeq(15mins)}$  has been retained from the original Suburban Centre rule of 60 dBA  $L_{10}$ . This standard is consistent with the Central Area rules for a mixed use consisting of noise sensitive and non-noise sensitive activities. A standard of 65 dBA  $L_{eq}$  (15 mins) has been adopted in DPC 73 for Business 2 Areas only, which reflects the purely commercial and industrial higher noise nature of these areas which presumes against the introduction of noise sensitive uses.

At the hearing, Peter Coop, planning consultant for **submitter 64** (Foodstuffs (Wellington) Co-operative Society Ltd), advised that he accepted the retention of a 60dB limit but understands that  $L_{fmax}$  is designed as a night time control for sleep in which case it should be limited in application to 10pm to 7am.

Council’s environmental noise Officer, Glynn Jones, advised that a relaxation of the 85 dB  $L_{max}$  standard to night time hours only is not supported. The  $L_{max}$  represents an upper limit for impulsive type loud noises that are designed for noise protection during the day and night for the protection of all activities. The  $L_{max}$  standard proposed for Plan Change 73 does not represent any change from the  $L_{max}$  noise rules that have historically been in place in the operative plan for the Central and Suburban Centre areas and in Plan Change 48. This level is much higher than residential  $L_{max}$  levels which are restricted to night-time hours purely for sleep protection.

The Committee accepted this advice from Mr Jones and therefore rejected this submission.

- Under Standard 7.6.1.1.5 replace the noise limits with the upper recommended guideline noise limits as set out in NZS6802:2008 section 8.6.2 Table 3.

The guidance for residential upper limits in the standard are not considered to represent a reasonable residential area daytime noise level. These noise levels in the standard are recommended for consideration as upper limits and it is further advised that Authorities may set more stringent limits based on ambient sound levels. Substantial Council measurements and consultant’s reports for resource consents over the past few years have found that ambient levels provide evidence that a reasonable daytime limit should be 5 dBA  $L_{Aeq}(15 \text{ mins})$  lower than these upper limits and are equally applicable in both Outer and Inner Residential Areas.

Mr Coop advised that the reason why the upper limits of NZS6802 are sought is that these are considered to be appropriate for the Suburban Centres/Residential interfaces. He considered that people living at these interfaces cannot expect their amenity levels to be as high as if they were located in the middle of a residential area for example. The application of the upper limits will enable activities to take place within the Suburban Centres, but at the same time, ensure that the noise does not exceed those “*Guideline Residential Upper Noise Limits*” recommended by the 2008 versions of NZS6801 and NZS802. Mr Coop was of the opinion that the adoption of the NZS6802 limits will strike a more reasonable balance of Suburban Centres and Residential Areas than those proposed by DPC 73.

Mr Jones considered that a more relaxed step down to the residential areas is appropriate for sites that border the commercial areas. An amendment to increase the noise standard from  $50dB L_{Aeq} (15 \text{ min})$  to the Upper Guidance level of  $55dB L_{Aeq} (15 \text{ min})$  in NZS6802 for the Centres to Inner Residential interface is supported. In this case it will all be necessary to also reintroduce the evening shoulder period from 7pm to 10 pm from the operative plan Suburban Centre rules to graduate the step down to the much lower night-time level as follows:

*Noise (emitted within Centres received in other Areas)*

*7.6.1.1.1 Noise emission levels from activities in Centres when measured at or within the boundary of any site in Residential and Rural Areas shall not exceed the following limits:*

*Inner Residential Area*

<i>Monday to Sunday</i>	<i>7am to 7pm</i>	<i>55dB <math>L_{Aeq} (15 \text{ min})</math></i>
<i>Monday to Sunday</i>	<i>7pm to 10pm</i>	<i>50dB <math>L_{Aeq} (15 \text{ min})</math></i>

The Committee accepted this advice from Mr Jones and therefore supported this submission.

- Under Standard 7.6.1.2.4 add after the word “purposes” the phrase “and associated maintenance” and delete the phrase “(ii) can comply with standard 7.6.1.1.1 and 7.6.1.1.5”.

Emergency generators are usually maintained with a regular but short test operation. This is the subject of complaint from time to time and it is still appropriate to apply a noise level standard to control these effects. To reflect the more intermittent nature of this maintenance operation, an allowance of 5 dBA has been given compared with the standard for fixed plant which may operate more continuously.

Mr Coop advised that this submission was intended to ensure that generators used in an emergency are exempt from the normal noise rules. Mr Coop stated that this would be clarified if Rule 7.6.1.2.4(ii) was amended to read “maintenance activity complies with Standard 7.6.1.1.1 and 7.6.1.1.5”.

Mr Jones advised that he did not support the proposal to remove the noise standard for maintenance of plant used solely for emergency purposes. Noise

from routine maintenance testing is an ongoing source of complaints to the Council and it is not considered appropriate to exempt this source from a noise standard. This standard has been relaxed by 5 dBA compared with other continuously running fixed plant and replicates the standard in Plan Change 48.

The Committee accepted this advice from Mr Jones and therefore rejected this submission.

**Submission 122** requested that the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code. The key objective of Clause G6 of the New Zealand Building Code (Airborne and Impact Sound) is to safeguard people from illness or loss of amenity as a result of undue noise being transmitted between abutting occupancies. The Committee noted that Clause G6 is still in the process of an extensive revision and is yet to provide external sound insulation for buildings, therefore rejected the submission to adopt the current Clause G6.

The minor amendment requested by **submission 108** to correct a typo relating to Rule 7.3.5.14 was accepted by the Committee.

**Submission 9** requested that the noise of ‘revving’ engines through the night should be acknowledged within the District Plan. The Committee noted that traffic noise including noise from engines and exhausts from vehicles driven on the road is not controlled through rules in the District Plan and alternative actions will have to be initiated to avoid, remedy or mitigate intrusions from this source.

**Submission 100** sought clarification on the noise implications between 7pm and 7am on their property at 53/55 Hanson Street, Mt Cook. The submission raised concerns regarding the increased noise that may result to their residential property as a result of the proposed Plan Change. The submission noted that they have already had ongoing issues with waste management companies collecting rubbish at 3 or 4am.

The Committee noted that Council’s Waste Management Bylaw requires that refuse is not collected between 10 pm and 7 am in the Residential and Suburban Centre Areas. The Committee also noted that changes to DPC 73 are not proposed to further restrict night-time servicing activities, such as refuse collection and street cleaning that are necessary for non-residential areas of the city to function effectively. These activities often cannot be carried out during the day due to traffic restrictions. However, operators must still take the best practicable option to reduce noise to a reasonable level.

The subject site is currently zoned Suburban Centre and is proposed to be rezoned to Centres. The Committee acknowledged the concerns raised in the submission, however noted that the noise provisions have not changed markedly from the operative to the proposed Plan Change and thus DPC 73 will have little or no impact on the noise standards. However, the Committee noted that higher standards of noise controls that have been applied to the Central Area have been replicated in DPC 73 to protect amenity standards for new and existing residential activities in Centres. The Committee also noted that no matter what the rules provide for landowners have a general duty under the RMA to mitigate noise and that it is usually a matter of the parties working together to resolve particular issues.

The Committee also noted that a resource consent application for a new supermarket has recently been granted for the John Street intersection, which is near the submitter’s property. The proposed Plan Change does not provide for residential amenity levels for existing residential properties located within the Centre zoned areas to be comparable to that provided for in residentially zoned areas. However, plant noise level requirements have been lowered and the “best practicable option”

requirement to reduce noise levels to a reasonable level has been taken by the supermarket applicant to protect local residential properties.

**Submissions 13 and 14**, respectively, sought confirmation that the 'Inner Residential Area' noise controls apply to the identified 'Areas of Change' surrounding Kilbirnie and Johnsonville Centres (Standard 7.6.1.1.5). It is consistent for Inner Residential Areas to act as a buffer zone between the higher noise areas, which contain commercial activities, and the Outer Residential Areas. The Committee therefore considered it appropriate for the Inner Residential noise standards to apply to Areas of Change and these submissions were accepted.

**Submission 22** sought that the 6th paragraph, third sentence on page 33/2 (provision 33.1) be amended to include reference to Residential Areas being affected by noise from port activities. The Committee considered it appropriate to include this reference for reasons of clarity and therefore accepted this submission.

**Submission 31** sought that Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, be deleted to ensure consistency with other chapters of the operative District Plan.

The operative District Plan references NZS 6803:1984 for the assessment of construction noise. This Standard was updated by NZS 6803:1999. The Committee noted that advice from Council's Noise Officers was that the new 1999 Standard has become more commonly accepted as the better standard, as it introduced night time noise limits and extended guidance about predicting noise from construction activities, mitigation and noise management plans. The revision has also changed the noise descriptors to LEQ and L90, which are consistent with the same changes required for the descriptor changes introduced by NZS 6801 and 6802:2008.

The Committee noted however, that there is a major omission from the new Standard that allows the Council to exempt noisy construction work that does not comply with the upper guideline noise limits. The current standard allows this exemption process which means that short term construction work on the roads can be carried out when traffic flows are lower in the evenings. Without this exemption process, considerable road works and other construction work would require resource consent. There may be notification issues this would have serious consequences for the industry.

The Committee considered it inappropriate however to include an exemption allowance in either a rule or a standard in a district plan, whereby at the discretion of Council construction work (that can only be carried out at night but exceeds levels specified in the standard) can be permitted provided the Best Practicable option is adopted to reduce noise to a reasonable level. Therefore, whilst not ideal, the Committee considered it best to retain the operative District Plan provisions relating to construction noise, which refer to NZS 6803:1984.

In addition, as construction noise applies to all zones, the Committee considered that it would be better dealt with across the entire city. This issue may be further addressed as part of the comprehensive plan review that is expected to commence in 2011. The Committee therefore accepted the submission to delete the construction noise standards.

### Recommended Decisions

- **Accept** submission 118 insofar as it supported objectives and methods which reduce noise levels in all areas.
- **Accept** submission 31 insofar as it requested additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to:
  - provide guidance on the best practical option on dealing with



- construction noise; and
  - clarify that controls are placed on the upper level of noise able to be generated by existing speakers; and
  - applications to install new speakers will be assessed as non-complying activities; and
  - provide guidance on what Council will consider when assessing applications to exceed noise standards in the District Plan.
- **Reject** submission 102 insofar as it requested that all references to “L<sub>eq</sub>” and associated nomenclature be withdrawn and replaced with “L<sub>10</sub>” in a manner consistent with the Operative District Plan.
- **Accept** submission 31 insofar as it requested the deletion of Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise as there are no Centres within the Port Noise Control Line shown on Planning Map 55.
- **Accept** submission 31 insofar as it requested amending Rules 7.3.5.14 and 34.3.4.14 to delete the level of discretion provided for in the rule.
- **Accept** submission 31 insofar as it requested a minor correction to Standards 7.6.1.3.1 and 34.6.1.3.1, relating to electronic sound systems noise, to change unit of measurement from L<sub>10</sub> to L<sub>eq</sub>, and other minor amendments to ensure consistency with other standards.
- **Accept** submission 64 insofar as it requested amendments to the noise standards as required to make reference to the relevant updated NZ Standards.
- **Accept** submission 64 insofar as it requested amendments to noise standard 7.6.1.1.5.
- **Reject** submission 64 insofar as it requested amendments to noise standards 7.6.1.1.1 and 7.6.1.2.4.
- **Accept** submission 108 insofar as it supported the new noise provisions, including the use of the LA<sub>eq</sub> (15 min) indicator and the inclusion of 7-day limits (i.e. Monday to Sundays, in Standards 7.6.1.1, 7.6.1.2 and 34.6.1.1.1, as opposed to the old provisions which applied the night time limits for the full day on Sunday).
- **Reject** submission 122 insofar as it requested that the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code.
- **Accept** submission 108 insofar as it requested that the reference at 7.3.5.14 be amended to refer to 7.6.1.2 rather than 7.6.2.1.
- **Reject** submission 9 insofar as it requested that the noise of ‘revving’ engines through the night should be acknowledged within the District Plan.
- **Reject** submission 100 insofar as that it opposed the provisions relating to noise that relates to the property at 53/55 Hanson Street, Mt Cook.
- **Accept** submission 13 insofar as it requested confirmation that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Kilbirnie Centre (Standard 7.6.1.1.5).
- **Accept** submission 14 insofar as it requested confirmation that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Johnsonville Centre (Standard 7.6.1.1.5).

- **Accept** submission 22 insofar as it requested amending the 6th paragraph, third sentence on page 33/2 (provision 33.1) to include reference to Residential Areas being affected by noise from port activities.
- **Accept** submission 31 insofar as it requested the deletion of Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, to ensure consistency with other chapters of the operative District Plan.

#### **4.10.2 Definitions**

##### Submissions

Specific issues raised in submissions include:

- Supports definition of ‘noise’ (particularly the exclusion of vehicles driven on the road) (**submission 117**).
- Amend the definition of ‘noise emission level’ to reference NZS 6801: 2008 “Acoustics - Measurement of Environmental Sound” and NZS 6802: 2008 “Acoustics - Environmental Noise” rather than just the previous 1991 New Zealand standards. The definition is also required to be amended to delete the reference to the L10 measurements. It is also noted that existing use rights will be continued for activities lawfully established before the Plan was notified (**Submission 31**).
- Amend the definition of ‘Noise Emission Level’ (as it applies to Centres and Business Areas) to reference the new standard NZS 6802:2008 Acoustics - Environmental Noise (**Submission 108**).

##### Discussion

The support of **submission 117** was noted and accepted by the Committee.

The Committee noted that the definition of ‘noise emission level’ is required to be updated to refer to the appropriate/relevant New Zealand standards for dealing with noise, and to correct a couple of minor errors carried over from the operative District Plan. For this reason, **submissions 31 and 108** relating to the definition of ‘noise emission level’ were accepted by the Committee.

##### Recommended Decisions

- **Accept** submission 117 insofar as it supports the definition of ‘noise’ (particularly the exclusion of vehicles driven on the road).
- **Accept** submissions 31 and 108 insofar as they seek the amendment of the definition of ‘noise emission level’ (as it applies to Centres and Business Areas) to reference the new standard NZS 6802:2008 Acoustics - Environmental Noise.

#### **4.10.3 Fixed plant noise**

##### Submissions

Specific issues raised in submissions include:

- Delete Standards 7.6.1.2 and 34.6.1.2, relating to fixed plant noise, in their entirety (**Submission 103**).

- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify, that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas (**Submission 31**).
- Minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards (**Submission 31**).

### Discussion

**Submission 103** requested that the Council delete Standards 7.6.1.2 and 34.6.1.2, relating to fixed plant noise, in their entirety. **Further submission 2** supported this submission.

DPC 73 has introduced noise standards for fixed plant in both Centres and Business Areas. Fixed plant is generally defined as any mechanical or building services equipment that is permanently built into a building, including ventilation, extraction units, heating systems, boilers, lifts etc. Because fixed plant operates reasonably continuously it tends to contribute to ambient, 'background' noise levels, rather than being a source of sporadic noise.

Council has identified that plant noise is a contributing factor in 'noise creep' within some of the Centres and Business Areas. Noise creep occurs where numerous sources of noise combine to gradually increase the background, ambient noise levels in these areas. Noise creep will become more of an issue as greater numbers of people choose to live within the City's Centres and Business 1 Areas.

In managing noise in Centres and Business Areas the Council must try and achieve a balance between facilitating a full range of Centres activities, whilst also providing reasonable levels of amenity for inner city residents.

In preparing DPC 73 the Council noted that (in managing residential noise levels in the Centres and Business 1 Areas) the onus was on the residential uses (and other noise sensitive activities) to insulate themselves from external noise sources. This approach is consistent with Plan Change 23 (introduced in 2003) which introduced noise insulation and ventilation standards for noise sensitive activities in the Suburban Centres.

However, Council Officers considered that the District Plan should not rely solely on the insulation of noise sensitive activities to manage noise in the Centres and Business Areas. This is because:

- i) There are anticipated to be a growing number of noise sensitive activities within Centres and Business 1 Areas as the City's population continues to grow. Some of these will inhabit buildings that were established prior to Plan Change 23, and which have little if any noise insulation.
- ii) Plan Change 23 only required provision of mechanical ventilation to bedrooms and did not require provision of ventilation to the living rooms of new apartments. Many apartments need to open windows and exterior doors in order to ventilate the living rooms, exposing them to external noise.

As a rule Council Officers considered that fixed plant noise should be 5dBA  $L_{Aeq}$  lower than the general activity noise standard to minimise creeping ambient noise levels. This 5 dBA  $L_{Aeq}$  difference is currently imposed in residential and rural areas of the city, as well as in the Central Area. There is no reason for different rules to be applied for the Suburban Centres and Business Areas compared with those that have been considered necessary for the Central Area. The Committee agreed with Officers and therefore rejected submission 103.

**Submission 31** sought that additional new explanatory text be inserted under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify, that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas.

Officers agreed and recommended the following additional policy guidance to be inserted under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13, respectively:

### Noise

**6.2.2.2 Control the adverse effects of noise within all Centres.**

**6.2.2.3 Ensure that appropriate on-site measures are taken to protect noise sensitive activities within Centres from intrusive noise effects of other permitted or existing activities.**

**6.2.2.4 Ensure that residential activities do not constrain the activities of established and permitted activities through reverse sensitivity to noise.**

### **METHODS**

- Rules
- Other mechanisms (abatement notices, enforcement orders)
- Application of the New Zealand Acoustic Assessment and Measurement Standards

*Noise is a particularly important consideration. Specific rules in the District Plan aim to avoid, remedy or mitigate the adverse effects of noise between properties within Centres and in nearby Residential Areas.*

*Higher noise levels are allowed within Centres in order to provide for a range of activities. This can create conflicts between noise sensitive and potentially noisy activities located alongside each other. As noise can create adverse effects on amenity values, on-site measures to protect noise sensitive activities (such as residential) from other permitted or existing activities in the zone, will need to be undertaken to stop possible higher levels of noise from causing intrusion.*

*The plan acknowledges that construction noise has effects on the Centres but that these are generally temporary in nature. Construction noise is managed using best practical option, in accordance with NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.*

*Noise levels in public places, such as streets, can at times reach unacceptable levels, particularly along streets with high pedestrian usage and in entertainment areas where loudspeakers are often in use. Standards are therefore set to ensure the quality of the noise environment in public places is maintained. Continued uncontrolled growth in the number of such speakers, typically associated with commercial premises, will compromise the amenity of these public spaces. For this reason, controls are placed on the upper level of noise able to be generated by existing speakers. These controls will ensure the quality of the noise environment in public places does not deteriorate further and will gradually be enhanced.*

*Fixed plant noise, such as air conditioning and refrigeration, is a distinct contributor to 'noise creep' or cumulative noise effects. Therefore stricter standards generally apply to fixed plant than to other sources of noise within Centres.*

*Council is concerned that helicopter operations are conducted safely and do not cause adverse noise effects. Helicopters in flight are not subject to control but Council has made landing areas a Discretionary Activity (Unrestricted) to ensure that any adverse effects are avoided, remedied or mitigated.*

*Matters to consider when assessing applications for helicopter landing areas include:*

- *the nature, duration and frequency of the activity; and*
- *the impact of the activity on the amenity of neighbouring properties; and*
- *the extent of compliance with the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas, or subsequent amendments; and*
- *the extent of compliance with relevant Civil Aviation rules.*

*However, compliance with NZS 6807:1994 may not necessarily guarantee that the effects from small scale helicopter operations will be without adverse effects. In these cases an assessment should also confirm that the best practicable options have been adopted to ensure a reasonable level under section 16 of the Resource Management Act 1991.*

*Noise from some sources such as motor traffic cannot be controlled by means of rules. Other actions are needed to avoid, remedy or mitigate intrusions from such sources. The enforcement order and abatement notice procedures of the Act will be used to control unreasonable noise.*

*When assessing applications to exceed noise standards in the District Plan the Council will consider:*

- *the extent to which the noise emissions contribute to any cumulative adverse effects on the noise environment*
- *the extent to which noise emissions will be intrusive*

*Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.*

*Noise sensitive activities (including residential ones) may wish to establish in Centres. Designers, developers and end users need to be aware that higher noise levels are allowed within Centres than would normally be provided to adequately protect, say, residential activities. Similarly, the wide range of Permitted Activities within Centres may lead to higher noise levels in locations where noise levels may currently be quite modest.*

*Consequently, specific rules have been included in the District Plan to ensure designers, developers and end users provide for appropriate levels of insulation to buildings to minimise the level of intrusive noise on noise sensitive activities. There may be some limited circumstances in which noise insulation to the standard specified may not be appropriate, for example, due to the location of a site adjoining a Residential Area, or the impacts of renovation on the historic heritage of a listed heritage building.*

*Ensuring appropriate ventilation and effective noise attenuation is an important part of protecting noise sensitive activities. Natural ventilation requirements, such as openable windows (as required by the Building Code), can compromise measures to attenuate external noise. Therefore, standards have been set to ensure that both ventilation and acoustic insulation requirements are met. The required airflow level is based on the minimum standard for a habitable spaces set out in NZS 4303.*

*When assessing applications to exempt new building works from the noise insulation and ventilation standards in the District Plan, the Council will consider:*

- *whether the likely exposure to noise will lead to an unreasonable level of health or amenity for occupiers of the building*
- *whether the habitable rooms are located, orientated or designed in such a way which would make insulation to the required standards unnecessary*
- *whether the development is likely to lead to potential conflict with typical business and commercial activities commonly associated with Centres*
- *whether the building is a listed heritage building and the extent to which it is practicable to insulate to the required standard without compromising the heritage significance and fabric of the building*
- *whether the appropriate noise attenuation and/or management measures can be provided to protect the health or wellbeing of future users*

*The environmental result will be developments that provide insulation and ventilation to ensure the noise environment of noise sensitive activities are protected to an appropriate level. The environmental result also will be the improvement of the noise environment for all permitted or existing uses in Centres.*

## **Noise**

**33.2.2.2 Control the adverse effects of noise within all Business Areas.**

**33.2.2.3 Allow residential development in Business 1 Areas so long as it does not constrain established or permitted activities from reverse sensitivity through noise.**

**33.2.2.4 Ensure that appropriate on-site measures are taken to attenuate intrusive noise effects in Business 1 Areas to protect noise sensitive activities.**

**~~33.2.2.5 Require that noise sensitive activities and buildings in the Business 1 Areas of Miramar South, Ropa Lane and Kilbirnie North within the Wellington International Air Noise Boundary identified on planning Map 35, be insulated from airport noise.~~**

**~~33.2.2.6 Require that noise sensitive activities and buildings in the Business 1 Areas of Ropa Lane and Kaiwharawhara within the Outer Port Noise Affected Area and the Inner Port Noise Affected Area on planning Map 55, be insulated from port noise.~~**

## **METHODS**

- Rules
- Other mechanisms (abatement notices, enforcement orders)
- Application of the New Zealand Acoustic Assessment and Measurement Standards

*Effective management of noise is particularly important in Business Areas as conflicts can arise between noise sensitive and potentially noisy activities located alongside each other. Specific rules in the District Plan aim to avoid, remedy or mitigate the adverse effects of noise between properties within the Business Areas and in nearby Residential Areas.*

*~~Higher noise levels are allowed within Business 2 Areas in order to provide for traditional industrial activities which are inherently noisy activities. This can create conflicts between noise sensitive and potentially noisy activities located alongside each other. As noise can create adverse effects on amenity values, on site measures to protect noise sensitive activities (such as residential) from other permitted or existing activities in the zone, will need to be undertaken. Those undertaking or visiting activities not associated with industry can have higher expectations of amenity than that normally found in these areas. This will put unreasonable pressure both on immediate neighbours and cumulatively on the activities throughout the zone that are dependent on being located in such an area. As such, noise sensitive activities are not provided for in Business 2 Areas. At a zone interface with a more sensitive receiving environment, such as a Residential Area, the Plan requires that appropriate standards of amenity are maintained.~~*

*The plan acknowledges that construction noise has effects on the Business Areas but that these are generally temporary in nature. Construction noise is managed using best practical option, in accordance with NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.*

*Fixed plant noise, such as air conditioning and refrigeration, is a distinct contributor to 'noise creep' or cumulative noise effects. Therefore stricter standards generally apply to fixed plant than to other sources of noise within Business 1 Areas.*

*Council is concerned that helicopter operations can cause adverse noise effects and are conducted safely. Helicopters in flight are not subject to control but Council has made landing*

areas a Discretionary Activity (Unrestricted) to ensure that any adverse effects are avoided, remedied or mitigated.

*Matters to consider when assessing applications for helicopter landing areas include:*

- *The nature, duration and frequency of the activity*
- *Impact of the activity on the amenity of neighbouring properties*
- *The extent of compliance with the provisions of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*
- *The extent of compliance with relevant Civil Aviation rules.*

*However, compliance with NZS 6807:1994 may not necessarily guarantee that the effects from small scale helicopter operations will be without adverse effects. In these cases an assessment should also be confirm that the best practicable options have been adopted to ensure a reasonable level under section 16 of the Resource Management Act 1991.*

*Noise from some sources such as motor traffic cannot be controlled by means of rules. Other actions are needed to avoid, remedy or mitigate intrusions from such sources. The enforcement order and abatement notice procedures of the Act will be used to control unreasonable noise.*

*When assessing applications to exceed noise standards in the District Plan the Council will consider:*

- *the extent to which the noise emissions contribute to any cumulative adverse effects on the noise environment*
- *the extent to which noise emissions will be intrusive*

*Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.*

*The environmental result will be the maintenance and improvement of the noise environment for all permitted or existing uses in Business Areas.*

The Committee accepted this submission to be consistent with the policy guidance given under DPC 48 and DPC 72.

**Submission 31** also sought a minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards. The Committee accepted this submission, as it is sound practise to provide clarity to the rules.

#### Recommended Decisions

- **Reject** submission 103 insofar as it requests deletion of Standards 7.6.1.2 and 34.6.1.2 relating to fixed plant noise.
- **Accept** submission 31 insofar as it requests additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas.
- **Accept** submission 31 insofar as it requests a minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards.

#### **4.10.4 Noise insulation and ventilation**

##### Submissions

Specific issues raised in submissions include:

## *General*

- Amend the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1 (**Submission 117**).
- New policy be added underneath Objective 33.2.2 referring to noise insulation and the state highway network (**Submission 117**).
- Amend Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway (**Submission 117**).
- Confirm that mechanical ventilation is only required for habitable rooms without openable windows (Standard 7.6.2.8.2) (**Submissions 13 and 14**).
- Adopt Standard 34.6.2.8, relating to noise insulation and ventilation, as proposed (**Submission 103**).
- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to provide guidance on what Council will consider when assessing applications that do not meet the provisions relating to noise insulation and ventilation (**Submission 31**).
- Minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC 48 and DPC 72 (**Submission 31**).

## *Noise Insulation within the Airport Noise Boundary (ANB)*

- Include a new Building and Structure Standard for the Business Areas that outlines the insulation requirements for buildings and structures housing noise sensitive activities within the ANB (**Submission 42**).
- Include comment and an appropriate standard within the Business Area on noise insulation standards for residential construction within the ANB (**Submission 42**).
- Amend Rules 34.1.1 and 34.4.1 to address noise insulation requirements for noise sensitive activities in Business Areas (**Submission 42**).
- Provide more effective noise insulation standards for all noise sensitive activities in Business 1 and 2 Areas inside the ANB (**Submission 41**).
- Standardise noise insulation standards to ensure consistency across all zones within the city (**Submission 41**).

## *Discussion - General*

**Submission 117** requested that the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 be amended by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1. The submission also requested that a new policy be added underneath Objective 33.2.2 requiring that noise sensitive activities be insulated from noise from the State highway network. **Further submission 12** supported this submission. **Submission 117** also requested that Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation be amended by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway.



**Submitter 117** (New Zealand Transport Agency) spoke at the hearing, however did not pursue this matter with regard to DPC 73 as it considered that the provisions in the plan change regarding noise insulation were sufficient to address their concerns.

Whilst Officers recognised that the state highway network is the key transport corridor through the city, Officers did not support the request for additional acoustic protection for noise sensitive activities from traffic on State highway 1. Rather than add a new policy, Officers considered it appropriate to include some explanatory text underneath Policies 33.2.2.9 – 33.2.2.13, like what is suggested for Policies 6.2.2.4 – 6.2.2.6 above that maintains the amenity of noise sensitive activities while also facilitating the ongoing operation of the state highway network. The Committee agreed with the Officers on this matter.

While the Committee acknowledged the potential for reverse sensitivity issues to arise as a result of noise generated by the state highway network, it did not support a rule requiring acoustic insulation of all buildings within 100 metres of the state highway. In the past the Council has applied noise insulation standards to properties within close proximity to Wellington International Airport and on sites close to port land. However on both occasions the requirement was only implemented following detailed analyses of the existing noise environment. This ensured that the insulation standards were only applied to those properties that were subject to elevated noise levels. Noise levels can be influenced by a wide range of factors including topography, vegetation, location of existing buildings and structures, and also existing noise sources in the area. With this in mind the Committee considered that it would be poor planning practise to apply a noise insulation standard based on a somewhat arbitrary figure of 100 metres. Such a standard should only be considered for inclusion in the plan following detailed analysis of which properties are actually subject to significant levels of road noise generated by the state highway network.

**Submissions 13 and 14** sought confirmation that mechanical ventilation is only required for habitable rooms without openable windows (Standard 7.6.2.8.2). **Further submission 12** opposed these submissions. The requirement for ventilation serves two purposes: for both noise mitigation, and the provision of ventilation. This is particularly important for those habitable rooms with openable windows, which would be subject to unhealthy levels of noise if windows are required to be opened for ventilation purposes.

For this reason, the Committee agreed to retain the ventilation requirements in Standard 7.6.2.8.2 remain as drafted and therefore rejected **Submissions 13 and 14**.

**Submission 103** requested that Standard 34.6.2.8, relating to noise insulation and ventilation, be adopted as proposed. This submission was noted and accepted by the Committee.

**Submission 31** sought that additional new explanatory text be inserted under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 for dealing with resource consent applications that exceed noise standards and for activities within the Port Noise Area and the Air Noise Boundary. **Further submission 12** supported this submission. The Committee accepted this submission to be consistent with the policy guidance given under DPC 48 and DPC 72.

**Submission 31** also sought a minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC 48 and DPC 72. Again, to ensure consistency with the rest of the Plan, the Committee accepted these submissions.

### Recommended Decisions

- **Accept** submission 117 insofar as it sought that the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 be amended by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1.
- **Reject** submission 117 insofar as it sought that a new policy be added underneath Objective 33.2.2 referring to noise insulation and the state highway network.
- **Reject** submission 117 insofar as it sought that Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation be amended by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway.
- **Reject** submissions 13 and 14 insofar as they sought confirmation that mechanical ventilation is only required for habitable rooms without openable windows.
- **Accept** submission 103 insofar as it sought the adoption of Standard 34.6.2.8, relating to noise insulation and ventilation, as proposed.
- **Accept** submission 31 insofar as it sought additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to provide guidance on what Council will consider when assessing applications that do not meet the provisions relating to noise insulation and ventilation.
- **Accept** submission 31 insofar as it requested a minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC 48 and DPC 72.

### Discussion - Noise Insulation within the Airport Noise Boundary (ANB)

**Submissions 41 and 42** raised a number of issues with the controls on noise insulation within the AirNoise Boundary (ANB). These are set out below:

#### *1. Definition of ‘noise sensitive activity’ and ‘habitable room’*

The submissions requested that the definition of ‘noise sensitive activity’ be widened to include schools and other learning facilities, hospitals and other care facilities such as a hospice. To ensure ventilation is covered, they also requested amending the definition of ‘habitable room’ to capture classrooms used for teaching purposes or a sleeping room associated with an early childhood centre. These requests followed on from the recommendation in the Land Use Management and Insulation for Airport Noise Study (LUMINs) report which notes that schools and pre-schools are noise sensitive activities, and given their location within the ANB should be insulated.

Officers opposed the requested changes on the grounds that the definitions for ‘noise sensitive activity’ and ‘habitable room’ have citywide applications. Any amendments would therefore capture a significant number of activities throughout the city, particularly in the Central Area and commercial areas in the City.

Submitters 79 and 80 (Wellington International Airport Ltd and Wellington Airport Air Noise Management Committee) spoke to the hearing and re-iterated that the changes sought in submission were required to give effect to the outcomes of the LUMINs report.

The submitters noted that airport noise has very specific characteristics due to the nature of the noise source. They noted that aircraft noise made teaching difficult, and

that there were times that lessons have to be paused while planes are taking off or landing. They therefore felt that within the air noise boundary there was valid reason for including schools as noise sensitive activities, and classrooms as habitable rooms. They suggested alternate definitions that would apply only in the airnoise boundary area. These amended definitions are:

**NOISE SENSITIVE ACTIVITY:** means

- Any residential activity
- Any hotel, motel or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time
- Early childhood centres

And, within the airnoise boundary depicted on Map 35, also includes

- Any school or other learning facility
- Any hospital, rest home, hospice, respite facility or other activity with the primary purpose of care for the infirm.

**HABITABLE ROOM:** in any of the categories of activity referred to in the definition of ‘noise sensitive activity’, means a space within a building that is commonly associated with domestic living. Within the airnoise boundary depicted on Map 35, habitable room also means a classroom used for teaching purposes or a sleeping room associated with an early childhood centre, any hospital, rest home, hospice, respite facility or any other activity with the primary purpose of care for the infirm. But in all areas it excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for sleeping, any enclosed swimming pool, hall, theatre, gymnasium, or other space of a specialised nature occupied neither frequently nor for extended periods of time.

The Hearing Committee agreed that the revised definitions represented a sensible approach to managing the unique noise effects generated by the airport, and accepted the changes.

## *2. Appropriate noise insulation rule and performance standard*

**Submissions 41 and 42** also requested that the existing rule and performance standard for insulating buildings within the ANB, be replaced with the approach used elsewhere in the District Plan to mitigate the effects of high noise environments. This was opposed in a further submission by **Further Submission 17** on the basis that this standard is not the norm for airports in New Zealand and that there is danger it might be considered the standard for retrofitted insulation.

To recap – within the ANB insulation is required only for new residential dwellings. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve an internal level of 45 dBA  $L_{dn}$  with doors and windows closed. No ventilation of habitable rooms is required.

Outside of the ANB under DPC 73 (Centres and Business Areas) and DPC 48 (Central Area), insulation is required for new buildings with noise sensitive activities. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve a particular noise reduction level – 30 ( $D_n T_{,w} + C_{tr}$ ) for generally noisy areas or 35 ( $D_n T_{,w} + C_{tr}$ ) for extremely noisy areas with a noise contour greater than  $L_{dn}$  65dB. The performance standard also requires ventilation in habitable rooms to ensure acoustic gains are not lost by opening windows.

There is also a small section of residential area outside the ANB but within the Port Noise Boundary – where the new residential dwellings require insulation and ventilation according to the new performance standard of  $30 D_n T_{,w} + C_{tr}$ .

The request by **submissions 41 and 42** was to ensure insulation was applied consistently to ‘noise sensitive activities’ (as opposed to residential dwellings) and to amend DPC 72 and DPC 73 to ensure the performance standard was consistent with the approach used elsewhere in the Plan. That is  $30 (D_n T_{,w} + C_{tr})$  or  $35 (D_n T_{,w} + C_{tr})$  for extremely noisy areas with a noise contour greater than  $L_{dn} 65dB$ .

**Submitters 79 and 80** (Wellington International Airport Ltd and Wellington Airport Air Noise Management Committee) spoke to the hearing in support of the revised standards. The submitters also noted that there was a spread of noise levels within the airnoise area, with noise levels at properties closer to the airport significantly higher than properties at the edge of the area. At the hearing the submitters suggested a revised noise insulation package that would impose stricter insulation levels on properties located closer to the airport on the basis that they are subject to higher levels of airport noise. While the Hearing Committee considered that this approach may have merit, they considered that the suggested approach went beyond the relief sought in the original submission. This was because the requested amendment would impose a more stringent insulation standard on a significant proportion of the properties within the airnoise boundary than was signalled in the original submission. The Hearing Committee therefore considered that it was not in a position to grant the amended relief.

At the hearing, **Further Submitter 3** (Board of Airline Representatives of New Zealand Inc) spoke to their submission, and reiterated their opposition to the adoption of new insulation standards within the airnoise boundary. In particular, the submitter opposed the suggested changes to noise insulation standards as they felt that the proposed approach was untested for managing airport noise, and there was no evidence it would adequately protect inhabitants. The submitter considered that there was a real risk that the new standard would be applied to retro fits at a later date. In the submitter’s opinion retro-fitting was best managed using a case-by-case assessment of need. The submitter considered that any change to insulation standard would be best dealt with through an airport specific change. In the submitter’s opinion different activities have different noise effects, so it was not necessary to have consistent noise insulation controls around the city.

The Hearing Committee considered that the requested change had merit for the following reasons:

- There is significant precedent elsewhere in the District Plan – consistent use of ‘noise sensitive activity’ and aligning performance standards provided an opportunity to ensure consistency throughout the plan
- The approach had been proven to be highly effective in mitigating the adverse effects of noise and is adaptable to different noise environments, including airport noise
- The approach successfully dealt with ventilation without losing acoustic gains achieved by insulation
- The approach is easier to administer
- The approach is well understood by the development sector and easier to implement for in new development projects
- The approach is considered to be an example of best practice in New Zealand and has been incorporated into several other District Plans and the review of the Building Act

- The approach is consistent with the Decisions of the LUMINs report.

### Recommended Decisions

- **Accept** submissions 41 and 42 insofar as they seek to widen the definition of ‘noise sensitive activity’ to include educational and hospital activities.
- **Accept** submissions 41 and 42 insofar as they seek to amend the definition of habitable room to capture ventilation for classrooms.
- **Accept** submissions 41 and 42 insofar as they seek to ensure insulation and ventilation requirements apply to noise sensitive activities (as opposed to residential dwellings only).
- **Accept** submissions 41 and 42 insofar as they seek to amend the existing noise insulation rules and performance standards within the ANB to be consistent with the approach used to insulate (Dn T,w + Ctr) and ventilate elsewhere in the city.

### 3. *Additional assessment/policy guidance for insulation in Business Areas*

**Submission 42** requested additional assessment/guidance for noise insulation of buildings housing noise sensitive activities (under Rule 34.4.8) to be included in Business Areas within the ANB to clearly identify the expectations around insulation in these areas.

The submission had correctly identified a policy gap which requires further explanation. Officers proposed to include further explanation in the noise policies section under Objective 33.2.2:

**33.2.2.12 Require that noise sensitive activities and buildings in the Business 1 Areas of Miramar South, Ropa Lane and Kilbirnie North within the Wellington International Air Noise Boundary identified on planning Map 35, be insulated from airport noise.**

**33.2.2.13 Require that noise sensitive activities and buildings in the Business 1 Areas of Ropa Lane and Kaiwharawhara within the Outer Port Noise Affected Area and the Inner Port Noise Affected Area on planning Map 55, be insulated from port noise.**

### **METHODS**

- Rules
- Other mechanisms (abatement notices, enforcement orders)
- Application of the New Zealand Acoustic Assessment and Measurement Standards

~~In particular,~~ *The Port and Airport are two existing noise sources that may be incompatible with residents in nearby Business Areas, and conversely, residential development puts constraints on the airport and port. As the airport and port are cornerstones of Wellington’s economy, they require protection from noise sensitive activities.*

*The Kaiwharawhara and Ropa Lane Business 1 Areas lie within the defined Port Noise Affected Area shown on planning Map 55. Here standards for noise sensitive activities apply to permitted uses such as residential. The provisions for managing the effects of noise from port related activities are based on an assessment of the particular characteristics of port noise, port operations and the relevant surrounding environment*

*The Miramar South, Ropa Lane and Kilbirnie North Business 1 Areas lie within the defined Wellington International Air Noise Boundary shown on planning Map 35. Here residential*

activities and developments need to be protected from airport noise through insulation requirements. The Discretionary Activity (Unrestricted) rule relating to residential development in Business 1 Areas near the airport (being the land inside the airnoise boundary depicted on Map 35) reflects these issues. Reference will also be made to the objectives and policies in Chapter 10 (Airport and Golf Course Recreational Precinct) of this Plan when considering resource consent applications for residential development within that area.

The Plan allows for a higher noise threshold in Business 2 Areas as noise sensitive activities are not provided for in these areas. However, at a zone interface with a more sensitive receiving environment, such as a Residential Area, the Plan requires that appropriate standards of amenity are maintained.

Noise sensitive activities (including residential ones) may wish to establish in Business 1 Areas. Designers, developers and end users need to be aware that higher noise levels are allowed within Business 1 Areas than would normally be provided to adequately protect, say, residential activities. Similarly, the wide range of Permitted Activities within Business 1 Areas may lead to higher noise levels in locations where noise levels may currently be quite modest.

Consequently, specific rules have been included in the District Plan to ensure designers, developers and end users provide for appropriate levels of insulation to buildings to minimise the level of intrusive noise on noise sensitive activities. There may be some limited circumstances in which noise insulation to the standard specified may not be appropriate, for example, due to the location of a site adjoining a Residential Area, or the impacts of renovation on the historic heritage of a listed heritage building.

Ensuring appropriate ventilation and effective noise attenuation is an important part of protecting noise sensitive activities. Natural ventilation requirements, such as openable windows (as required by the Building Code), can compromise measures to attenuate external noise. Therefore, standards have been set to ensure that both ventilation and acoustic insulation requirements are met. The required airflow level is based on the minimum standard for a habitable spaces set out in NZS 4303.

When assessing applications for buildings within the Port Noise Affected Area or within the Wellington Internal Air Noise Boundary, or to exempt new building works from the noise insulation and ventilation standards in the District Plan, the Council will consider:

- whether the likely exposure to noise will lead to an unreasonable level of health or amenity for occupiers of the building
- whether the habitable rooms are located, orientated or designed in such a way which would make insulation to the required standards unnecessary
- whether the development is likely to lead to potential conflict with and cause adverse effects, including reverse sensitivity effects, on port and airport activities
- whether the building is a listed heritage building and the extent to which it is practicable to insulate to the required standard without compromising the heritage significance and fabric of the building
- whether the appropriate noise attenuation and/or management measures can be provided to protect the health or wellbeing of future users
- the extent to which the site or building is affected by port noise or airport noise, any special characteristics of the site or building which influence the level of port or airport related noise received, and any mitigation proposals included in the application which will reduce the adverse effects of noise on the activity or building.

The environmental result will be developments that provide insulation and ventilation to ensure the noise environment of noise sensitive activities are protected to an appropriate level.

The Hearing Committee agreed that the new policy explanation represented a sensible approach to managing the unique noise effects generated by the airport, and accepted the changes.

#### Recommended Decisions

- **Accept** submission 42 insofar as it requests that clarity be provided on the expectations for noise insulation when applying Rule 34.4.8.

#### *4. Additional building and structure standard*

**Submission 42** requested that an additional Building and Structure Standard be included in the standards section to outline the insulation requirements for buildings and structures housing noise sensitive activities within the ANB.

The submission had correctly identified a gap in the standards section which required addressing. Officers agreed that a new standard *34.6.2.10 Noise Insulation: Airport Area* was required to be inserted into this section of the District Plan as follows:

#### **34.6.2.10 Noise Insulation and Ventilation: Airnoise Boundary**

34.6.2.10.1 Any habitable room in a building used by a noise sensitive activity within the airnoise boundary depicted on Map 35 shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$DnT,w + Ctr > 35 dB$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

34.6.2.10.2 Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

The Hearing Committee agreed that the new standard was necessary to address the gap to outline the insulation requirements for buildings and structures housing noise sensitive activities within the ANB.

#### Recommended Decisions

- **Accept** submission 42 insofar as it requests additional provisions to outline the insulation requirements for buildings and structures housing noise sensitive activities within the ANB.

## 4.11 REZONING

A wide range of submissions were received relating to proposed rezoning of specific sites including in Aro Valley, Crofton Downs, Karori, Miramar, Newtown, Ngaio, Tawa etc. These are discussed further below. The Hearing Committee visited each of the sites discussed in these submissions, as well as sites that were proposed for rezoning and were not submitted on.

### 4.11.1 Aro Valley

#### Submissions

Specific issues raised in submissions include:

- Requests that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site) rather than expansion of the Suburban Centre (**Submission 93**).
- Seeks the rezoning of the properties located at 68-82 Aro Street (even numbers only) from Inner Residential to Centres (**Submission 105**).

#### Discussion

The sites from 68-82 Aro Street were previously considered for rezoning from Inner Residential to Centres in the draft plan change document, as it was considered that the sites provided good redevelopment potential that could positively contribute to the Aro Valley neighbourhood centre. The sites were not included in the notified Plan Change.

The owners (Ben and Sarah Spencer) of the former service station site at 68-70 Aro Street (**Submission 105**) made a submission on DPC 73 requesting:

*“that the properties at 68-82 Aro Street (even numbers only and being legal (sic) described as Lots 1, 2, and 3 DP 6454, SO Plan 35250 Section 1, Lots 15 and 16 DP 506 and the Right of Ways of Lots 1 and 2 DP 57722 and Lot 3 DP 800) be rezoned from Inner Residential to Centre Area”*

Further submissions supporting submission 105 were received from:

- Dorothy and Anthony Faircloth (Further Submission 4), owners of 76 Aro St
- Christabella Boardman (Further Submission 8), of 80 Aro Street
- Barry Lonergan (Further Submission 10), of 82 Aro Street

The Committee noted that the only land owner that did not make a submission or further submission on this matter was from 72 Aro Street.

**Submission 93 (Roland Sapsford)** also made a submission on DPC 73, requesting that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site at 68-70 Aro Street) rather than expansion of the Suburban Centre. **Further submission 3** (Ben and Sarah Spencer) opposed this submission.

The Officers' Report recommended that the Centres zoning requested by Submission 105 be supported. Subsequently, concerns were raised regarding the fairness and appropriateness of this recommendation by other interested parties who did not submit on the plan change. The Committee requested that Officers seek a legal opinion on the scope of the submission received by Submission 105 requesting the rezoning. The legal opinion found that:

- the submission made by Submitter 105 is within the scope of DPC 73



- there are no real fairness issues with regard to the process
- Submitter 93 can present evidence relating to his submission, including bringing the support of the landowner of 72 Aro Street, provided that this does not in effect present a separate submission from that landowner

At the hearing, **submitters 105** (Ben and Sarah Spencer) considered that a Centres zoning was appropriate for the sites given that the site at 68-70 Aro Street has a history of non-residential use dating back to 1927. The Spencers considered that a centres zoning would better reflect the use of site and that the site would more likely be developed and upgraded if it was rezoned to a Centres zoning. They emphasised that the ex-service station site currently contains residential use, storage and some parking and holds current resource consent for the establishment and operation of a camper van facility.

At the hearing, **submitter 93** (Roland Sapsford, supported by Lisa Thompson, Jane O'Loughlin and Liz Banas) advised that he was generally supportive of DPC 73, however sought some details specific to Aro Valley. The submitter considered that there was a lack of analysis carried out, lack of consultation and lack of local support with regard to the proposed expansion of the Aro Valley Suburban Centre.

Mr Sapsford considered that the proposed rezoning on Aro Street would result in a substantial increase in the size of the Suburban Centre and should only be contemplated following a comprehensive analysis of the environmental effects, parking and traffic, urban design and heritage. The submitter considered that there was no review of original rationale for the rezoning of the site and insufficient information to enable adequate understanding of the impact of the proposals.

Mr Sapsford raised concerns at the potential for traffic/parking impacts and of a significant increase in intensification in the use of the sites and movements of vehicles to and from sites. The submitter explained that whilst the community has always anticipated some degree of commercial use of the service station site it is concerned that a Centres zoning would enable any number of activities to establish on-site, without scope for community input. Mr Sapsford advised that he would be more relaxed if a rezoning was accompanied by site-specific design guidance. Mr Sapsford also considered that the existing resource consent granted for the ex-service station site indicated that the site can be developed for commercial uses under the Inner Residential rules.

Mr Sapsford stated that the existing plan recognises the unique character and intactness of Aro Valley as a whole, and particularly the well-defined Suburban Centre. Mr Sapsford stated that a 9m maximum permitted building height with 100% site coverage could result in buildings out of scale with the existing building stock and produced a photomontage showing potential maximum development under the proposed bulk and location standards. The Committee was not convinced that the photomontage represented a realistic view of what would ultimately develop on the site. This was due to uncertainties regarding the accuracy of the montage and concerns whether the proposal underpinning the montage was a non-fanciful hypothetical example (given that the presence of right of ways would prevent site amalgamation of the scale shown in the montage).

Mr Sapsford considered that a Design Guide would only have limited ability to impact on the permitted bulk of any new buildings, this being one of the problems of having a generic Design Guide. Mr Sapsford requested the application of a location-specific Design Guide with the opportunity for public notification of any resource consent applications. Mr Sapsford gave an example of a multi-unit residential development on upper Aro Street approved prior to DPC 50 and DPC 56, which in his opinion has resulted in poor urban design outcomes even though it was approved by one of

Council's urban designers with good intentions. Mr Sapsford questioned whether a similar outcome is likely under the proposed Centres Design Guide regime.

Finally, Mr Sapsford referred to the planter boxes outside 72/74 Aro Street and considered that this point was the 'gateway' to Aro Street.

Lisa Thompson (former co-chair of the Aro Valley Community Council (AVCC)) spoke in support of the submitter and gave some background on District Plan Changes 8 and 50, involving the development of the 'Mermaid' site (at 105 Aro Street) which resulted in the Aro Valley controls being revisited. These plan changes focussed on the protection of the area.

Ms Thompson advised that the Aro Valley Community is very interested in local issues and therefore should have the opportunity to participate in any resource consent process. She advised that the proposed rezoning would enable very tall buildings with 100% site coverage which will be out of scale with the surroundings.

Ms Thompson advised that the AVCC welcomed a heritage area for Aro Valley under proposed DPC 75 (Centres Heritage Areas), but raised concerns that expanding the centre would mean that new properties would fall outside the proposed heritage area. Ms Thompson advised that the AVCC considered that the area needs to be considered as a whole.

Jane O'Loughlin advised that it is not appropriate or fair to rely on groups checking the summary of submissions to see if any submission would impact on the area. She advised that she doesn't mind some degree of change in the area, but would prefer a process that enabled community involvement in the decision making.

Liz Banas (occupier of 72 Aro Street) raised concerns about the potential for large buildings on adjacent sites with no requirement for setbacks. She considered that the result would be buildings that would impact on sunlight and outlook and views for people moving along Aro Street. Ms Banas also raised concerns about Council being responsible for decision-making with no opportunity for the community to be involved.

The Committee agreed that the zoning of the sites from 68-82 Aro Street presents an interesting planning conundrum. It was accepted that the former service station site (at 68-70 Aro Street) provides good redevelopment potential that could contribute to the Centre and noted that resource consent was granted for this site in July 2006 for the establishment and operation of a camper van facility. The Committee also noted that more recently, Council Officers have had discussions with the site's owners for an alternative use on site, which indicates that the site continues to attract interest for potential redevelopment.

The Committee noted that to the west of 68 Aro Street are small-scale residential properties (72-82 Aro Street) which are set back from the road and which contribute to a low streetscape appeal. These sites do however have a strong connection with the neighbourhood centre. For these reasons, the Committee noted that an Inner Residential zone of the properties from 72-82 Aro Street has some merit, however to only rezone 68-70 Aro Street to Centres would create an inconsistent and broken retail block and create issues with regard to streetscape and functionality and also bulk and location provisions (building buffer setbacks).

With regard to Mr Sapsford's concerns about the rationale for rezoning of the sites, the Committee noted the Council's initial recommendation (in the draft Plan Change) and early process regarding the rezoning (including a major monitoring exercise undertaken of all suburban retail, commercial and business areas within Wellington, which analysed the functionality of these areas – reviewing use, urban design quality, streetscape, transport and access, and recent developments).

On balance and after careful consideration and reviewing advice received from architect and urban designer Graeme McIndoe, the Committee considered it appropriate to rezone 68-82 Aro Street from Inner Residential to Centre for the following reasons:

- These sites, including the former service station site, have the potential to be intensified, for commercial or residential uses, which is likely to positively contribute to the existing Aro Valley centre. The former service station site has been granted resource consent for a commercial activity, and a Centres zoning (which enables both commercial and residential activities) for this site would be appropriate.
- The former service station site is presently unused with a high wire mesh fence around the perimeter of the site, and has low streetscape and amenity appeal. This site is the gateway to the Aro Valley centre from the east, therefore there is the opportunity to substantially improve the urban design quality of the area.
- The Aro Street Park to the east of the former service station provides a natural buffer between a Centres zoning and the residential properties further to the east. The proposed rezoning could also potentially improve safety in the adjoining park to the east of these sites.
- Aro Valley has a distinctive character, including a fine-grained residential character, a diversity of building types and siting, a concentration of commercial buildings at the centre, and a variable but predominantly two storey height along the street edge. Mr McIndoe had noted in his advice that the ex-service station site is uncharacteristically open, with frontages dominated by on-site car parking. The buildings on site are not characteristic of the Aro Valley, although bungalows similar to that on the central site here are found in other parts of the valley.

For these reasons, a Centres zoning was considered to be optimal in achieving the objectives of the Plan. The Committee did however accept Submitter 93's concerns regarding a building that might exceed 9m on the site. In the Centres zoning there is discretion to increase buildings up to 12m. The Committee decided to delete the discretionary height range. This would therefore trigger any development exceeding 9m to a non-complying activity.

To recognise this unique situation and site specific height restriction, changes have been made to the explanation of Policy 6.2.3.9 which considers building height, bulk and location. The changes are as follows:

**6.2.3.9 Manage the height, bulk and location of buildings and developments so that they avoid, remedy or mitigate the adverse effects of shading, loss of daylight, privacy, scale and dominance and any other adverse effects on amenity values within Centres and on adjoining Residential and Open Space Areas.**

*The scale and placement of building works and layout of new developments can have a significant impact on the amenity values enjoyed by neighbouring properties and in the public environment.*

*When processing consent for new building works, Council will work with applicants to ensure both the scale of the proposed height and bulk and the comparative height of the resulting building in relation to its surroundings is appropriate. Specifically concerning height, some sites will need additional special consideration.*

*One such site is the former service station site located at 68-70 Aro Street. In general the Aro Valley has a distinctive built form, including a fine-grained residential*

character, a diversity of building types and siting, a concentration of commercial buildings at the centre and a variable but predominantly two storey heights along the street edge. The existing buildings located at the service station site (and to a lesser extent, the nearby western properties of 72, 76, 82 Aro Street) are not characteristic of the Aro Valley and this, combined with the uncharacteristic open nature of the site and a frontage dominated by on-site car parking means that the site offers unique redevelopment opportunities. Any redevelopment of 68-82 Aro Street needs to be of an appropriate scale and design that is respectful of the surrounding character. To avoid any issues with regard to out of scale and out of character buildings, the maximum height for these sites is 9m, with no discretion for additional height. This means that any development exceeding 9m is a non-complying activity and will need to demonstrate exemplarily design in order to gain consent.

Another special area for consideration is for new ~~when considering~~ buildings over three storeys in height in Centres. In these cases Council will encourage opportunities to design new buildings in a way that protects sunlight access to public spaces and minimises overshadowing of public open spaces of prominence or where people frequently congregate. In this regard, the bulk and location standards indicate a level of development that can be reasonably anticipated in Centres, subject to design guidance (refer to the Centres Design Guide).

...

Other factors taken into account by the Committee in assessing the submissions relating to 68-82 Aro Street were:

- The Aro Valley Inner Residential zone provides for a maximum permitted building height of 7.5m and maximum site coverage of 40%. Whilst it is acknowledged that the bulk and location requirements are more lenient for a Centres zoning, the Committee considered that any adverse environmental effects will be no more than minor given the topography of the land, and the relationship/context of the sites in question with the existing Aro Valley centre and the surrounding residential area, and proposed higher restrictions on buildings exceeding 9m in the Aro Valley Centre.
- Taking into account Mr Sapford's concerns about the urban design outcomes of future developments on these sites, the Committee was satisfied that the Centres Design Guide plus the amended standards relating to maximum height and additional policy guidance will positively improve the urban design outcomes for the area in general, as any redevelopment of these sites would require an urban design assessment, which would provide opportunities to improve the existing streetscape of this particular part of Aro Street.

As a consequential amendment, the Committee agreed that given the high visibility and location of the ex service station as a 'gateway' to the Aro Valley Centre from the east, there is potential to substantially improve the urban design quality of the area, including requiring verandahs and display windows. For this reason, the Committee considered that it would be appropriate to identify a primary street frontage along the eastern corner of the ex-service station site (68 Aro Street only). The Commissioners also considered that a secondary street frontage would be appropriate along the frontages of 70-82 Aro Street to allow for more flexibility for the location of vehicle accesses.

Applying a primary and secondary street frontage along the front of these sites would enable Council to assess all new developments on these sites for urban design matters to try and achieve high quality urban design outcomes.

### Recommended Decisions

- **Accept** submission 105 insofar as it seeks that the properties at 68-82 Aro Street be rezoned from Inner Residential to Centres and that a primary street frontage be identified along the frontage of 68-70 Aro Street and a secondary street frontage be identified along the frontage of 72-82 Aro Street, as identified on the frontages map in Appendix 4E and the rezoning map in Appendix 5A; and that the discretionary height range for developments exceeding 9m be deleted.
- **Reject** submission 93 insofar as it requests that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site).

#### **4.11.2 Crofton Downs**

##### Submissions

Specific issues raised in submissions include:

- Opposes the proposed rezoning of the Mitre 10 garden centre at 4 Thatcher Crescent, Crofton Downs from Outer Residential to Centres (**Submissions 11, 12, 15, 16, 17, 18, 20, 24, 32, 35, 36, 37, 40, 45, 46, 47, 48, 49, 50, 51, 62, 63, 88, 89, 90, 91, 92, 98, 99, 104, 107, 112, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130**).

##### Discussion

Forty-two submissions were received opposing the proposed rezoning of the garden centres at 4 Thatcher Crescent from Outer Residential to Centres.

The main issues raised in the submissions included potential increases in noise and traffic; inappropriate zoning particularly as surrounded by residential properties; potential to establish new commercial activity with increased noise and traffic effects; and bulk and location controls to allow for higher permitted building height.

At the hearing, a group representing the Thatcher Crescent residents spoke to their concerns about the proposed rezoning. The group strongly supported the Officers' report which sought to retain the current outer residential zoning. The group considered that the site does not link well to the existing Crofton Downs centre and is closely nestled on three sides with residential areas. The group considered that redevelopment of this site would lead to increased noise and traffic impacts and that rezoning would conflict with the District Plan objectives for residential areas.

The Hearing Committee acknowledged the concerns raised by the submissions, particularly those relating to future redevelopment potential of the land if the zoning was to change, and the impact that more intensive commercial development could have on the surrounding residential neighbours, particularly in terms of potential increased building heights, 100% site coverage, increased noise and traffic issues etc.

The Committee considered that the proposed rezoning of the site is not the most appropriate in terms of achieving the purpose of the Act, and therefore agreed to retain the current Outer Residential zoning.

### Recommended Decisions

- **Accept** submissions 11, 12, 15, 16, 17, 18, 20, 24, 32, 35, 36, 37, 40, 45, 46, 47, 48, 49, 50, 51, 62, 63, 88, 89, 90, 91, 92, 98, 99, 104, 107, 112, 120, 121,

123, 124, 125, 126, 127, 128, 129, 130 insofar as they request that the Outer Residential zoning of the Mitre 10 garden centre at 4 Thatcher Crescent, Crofton Downs be retained, as identified on the rezoning map in Appendix 5B.

### **4.11.3 Karori**

#### Submissions

Specific issues raised in submissions include:

- Supports the proposed rezoning of the Karori Baptist Church at 161-163 Karori Road from Outer Residential to Centres (**Submission 28**).
- Supports the proposed rezoning of 235-237 Karori Road from Outer Residential to Centres. Submission 34 also supported the proposed rezoning of Outer Residential sites within the Karori Town Centre to Centres (**Submissions 33 and 34**).
- Supports the proposed rezoning of various properties on the edge of Marsden Village from Outer Residential to Centres but also request that Unit 8 of 136 Karori Road be rezoned from Outer Residential to Centres (**Submission 58**).
- Opposes the proposed rezoning of 270A, 272A and 272B Karori Road, Karori from Outer Residential to Centres (**Submission 6**).
- Opposes the proposed rezoning of the site at 4 Campbell Street, Karori (**Submission 9**).
- Opposes the proposed rezoning of the sites at 6, 6A, 8 and Raine Street, Karori (**Submissions 52 and 95**).
- Supports the proposed rezoning of land at 55-85 Curtis Street, Karori from Outer Residential and Open Space to Business 2 Area (**Submission 85**).

#### Discussion

**Submitter 28 (Karori Baptist Church)** supported the proposed rezoning of the Karori Baptist Church at 161-163 Karori Road from Outer Residential to Centres. Reasons outlined in the submission were:

- The site is already positioned well with Marsden Village
- The use of the site is compatible with the Centres zoned and allows for positive community use of the church facilities
- Any redevelopment will be in keeping with the Centres provisions, including the Centres Design Guide
- The rezoning will allow for more flexible use of the site (whilst protecting the interests of adjacent residential properties).

The Hearing Committee agreed with the points made in the submission and recommended that 161-163 Karori Road be rezoned from Outer Residential to Centres.

**Submitter 33 (The Karori Community Centre)** specifically supported the proposed rezoning of 235-237 Karori Road (former St John's Church building and hall site) from Outer Residential to Centres. **Submitter 34 (Rotary Club of**

**Karori**) also supported the proposed rezoning of 235-237 Karori Road as well as the other proposed rezoning of Outer Residential sites within the Karori Town Centre area to Centres. These submissions are supported by **further submission 5. Submitter 9 (Rosamund Averton)** however, opposed the proposed rezoning of the site at 4 Campbell Street (St John's Church building 237 Karori Road).

With reference to the rezoning of the 235-237 Karori Road, **Submitters 33 and 34** noted that the land is adjacent to the Karori Community Centre and the commercial Centre of Karori which contains retail shopping, banking facilities, a post office and a library. They considered that the rezoning of the land will attract investment and allow for redevelopment of the site which could enhance amenities in the area. In terms of the remaining areas proposed for rezoning, **Submission 34** considered that residential properties used for commercial purposes should be recognised as such.

The Hearing Committee considered the site and noted that 235-237 Karori Road is a strategically important site within the Karori Town Centre. The Committee felt that the rezoning could allow for 235 and 237 to be commercially redeveloped either separately or as one entity (the sites are under the same title) thus completing the 'block' and more clearly defining the entrance way to the Centre. In this regard, the Committee decided that **submissions 33 and 34** are accepted and that **submission 9** is rejected.

**Submitter 58 (Marsden Village Association)** supported the proposed rezoning of various properties on the edge of Marsden Village from Outer Residential to Centres. This support is noted by the Committee, and in this regard this part of this submission should be accepted.

**Submitter 58** also requested that Unit 8 of 136 Karori Road be rezoned from Outer Residential to Centres. The Committee noted that Unit 8 is a Remax real estate office operating out of a residential style building located on the cusp of Marsden Village. The unit is one of nine similarly designed town houses that have been converted for a commercial use. The submission has pointed out that the Remax office is part of the Business Improvement District which operates in Marsden with a specific targeted rate. The submission considered that because it operates as a commercial building and pays commercial rates its zoning should also be recognised as Centres.

The building in question is situated amongst buildings that are residential in scale and character. This scale and character provides a transitional space between the commercial edge of the village and the residential area beyond. The Hearing Committee note that the Remax building would have the benefit of existing use rights which allows for its continuing operation as a commercial business. To recognise the site with a commercial zoning would involve a non-cadastral boundary change which would be at odds with the larger residentially zoned lot of 136. In addition, a part-commercial zoning in a largely residential town house complex may create potential interface and amenity issues (if redeveloped in the future) that may not be acceptable. It is for these reasons that the Committee did not support **submission 58** in their request for Centres zoning at Unit 8 136 Karori Road.

**Submitter 6 (Paul Smart)** owns 270A, 272A and 272B Karori Road, Karori which are located on back lots behind the Karori Bridge Club to the south, and the Quiet Lady Tavern to the east. The submission opposed the proposed rezoning of this land from Outer Residential to Centres. The submission cites the potential increase in rates, changes to sunlight access planes and changes to the "building envelope" as reasons why he opposed the proposed change.

Given the lack of commercial land in the Karori Town Centre, the Committee noted that the sites offered redevelopment potential. The location of the properties could lend themselves to be comprehensively redeveloped with the adjoining sites of the

Quiet Lady Tavern and/or the rear Karori Medical Centre – possibly for mixed use, or a supermarket or other retail-led development.

However, the Committee recognised that existing houses located at 270, 272A, 272B have recently been developed to provide for two additional infill houses (meaning a total of 4 detached residential dwellings on the sites). It was acknowledged that the erection of these new houses mean that comprehensive redevelopment of the area is less likely. The Committee noted an inconsistency between the substantive narrative and the recommendation in the Officers' report regarding this rezoning issue, however agreed that the land should remain as Outer Residential and thus accepted **submission 6**.

The Committee noted that this has a flow on effect for 278 Karori Road which directly adjoins the site to the west and would be a somewhat isolated Centre zoned site. As there was no submission regarding this site there was no scope to recommend changes. The Committee recommended consultation with this land owner to ascertain their preferred zoning and look to rezone this site in a subsequent minor amendments plan change if necessary.

**Submitters 52 (Cliff and Sandra Daly) and 95 (Jill and Graham Glover)** opposed the proposed rezoning of the sites at 6, 6A, 8 Raine Street, Karori. The submissions recognised that the current mall is underdeveloped and needs revamping; however they consider that the cost of redeveloping the mall (and surrounding properties) is uneconomic and therefore unlikely. The submissions felt that the rezoning of the residential properties will not offer redevelopment potential for enhancement of the mall or the wider Karori Centre. The submissions raised concerns about the potential impact on property values and the potential effect on the residential character of the street. **Submitter 95** in particular raised concern with the permitted uses under the Centres zoning and their possible amenity impacts (e.g. a takeaway business and cooking fumes) and traffic congestion in the area.

6, 6A and 8 Raine Street are homes located opposite the main vehicular access to the Karori Mall, and directly behind existing commercial uses. For many of the same reasons as discussed above, the proposed rezoning of these properties was mooted to promote redevelopment opportunities and retail expansion in the Karori Town Centre.

Whilst it is acknowledged that the value of the existing residential properties may mitigate against redevelopment in the short-term, these sites offer some of the few opportunities to achieve expansion of the town centre, and the properties already have a reduced residential amenity from their location adjacent to the main vehicle entrance to the existing mall and behind existing commercial uses. The Committee observed that a Centres zoning will not necessarily mean any change for the owners of these properties, unless they choose to sell and the subsequent owner wishes to pursue a redevelopment. However it will keep open the opportunity for future redevelopment and signal to the market that a redevelopment for retail or mixed uses will be appropriate. In this regard, the Hearing Committee recommended that the **submissions of 52 and 95** are rejected.

**Submitter 85 (Prime Property Group)** supported the proposed rezoning of land at 55-85 Curtis Street, Karori from Outer Residential and Open Space (at the northern end of the site) to Business 2 Area. This site is an area of largely vacant land that is located on the suburban boundary of Karori and Wilton, near the intersection of Curtis Street and Chaytor Street. The land adjoins the Karori Garden Centre and is approximately 1.09ha in size. Officers advised the Hearing Committee that the land was formally used as cleanfill and Council works depot. The open space zoning at the northern part of the land is remnant land left over from the development of



Whitehead Road which linked Old Karori Road and Curtis Street which has subsequently been formed.

At the Hearing, the submitter's Planner, Ian Leary, further supported the proposed zoning of this site as a Business 2 Area.

The Hearing Committee agreed with the Officers' Report that the site is unsuitable for residential purposes and that privately zoned land should not generally be zoned for open space purposes. The Committee consider that a Business 2 Area zoning will allow for the best future use of the site and therefore recommend that this zoning be accepted.

#### Recommended Decisions

- **Accept** submissions 28, 33, 34, 58 and 85 insofar as they support the proposed rezonings in the plan change.
- **Reject** submission 9 insofar that it does not support the proposed rezoning of 235 Karori Road (old St John's Church site).
- **Reject** submission 58 insofar that it requests that Unit 8 136 Karori Road (Remax Building) be rezoned from Outer Residential to Centres.
- **Accept submission 6** insofar as it opposes the proposed rezoning of 270, 272A, 272B Karori Road from Outer Residential to Centres, as identified on the rezoning map in Appendix 5C.
- **Reject** submissions 52 and 95 insofar as they request that the zoning of 6, 6A and 8 Raine Street remain zoned as Outer Residential as in the Operative District Plan.

#### **4.11.4 Miramar**

Specific issues raised in submissions include:

- Supports the rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres (**Submission 10**).
- Opposes the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area (**Submission 111**).
- Requests the rezoning of 60 Miramar Avenue, Miramar (Lot 1 DP 8262) from Outer Residential to Centres (**Submissions 39 and 97**).

#### Discussion

**Submitter 10 (Rowan and Suzanne Hatch)** supported the rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres. 73 Miramar Ave is a TAB betting agency at ground floor with residential above. The building is commercial in character and is located within the Miramar Town centre. The support of **submission 10** was accepted by the Hearing Committee.

**Submitter 111 (Hylam Holdings Ltd)** opposed the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area. The submission viewed the Business 2 zoning as "down grading" the existing zoning which will have a negative effect on the value of the property. The submission pointed out that the 1.5492ha property could be used for large format retail, a high employment area or residential under the operative Suburban Centre Zone. The submission stated that while the existing use is industrial, should this be

discontinued they would seek a higher and better use for the land - the proposed Business 2 zoning will not allow for this. Given the surrounding film industry buildings and activities, the submission considered that a Business 2 zoning is inappropriate.

At the hearing, the owners of 16 Portsmouth Road, Hamish Brookie and Doug Buchanan spoke in support of their submission. They explained to the Committee that they had purchased the property 5 years ago and were attracted to the site because of the flexibility of the Suburban Centre zoning. They were of the view that a Business 2 zoning is the wrong zoning to apply to the main entrance to Miramar – especially as the Business 2 zoning permits service industries such as wrecker yards, panel beaters and spray painters etc. The submitters pointed out that the site is large, flat and is in a natural location where retail (i.e. supermarket) can complement the centre - all other land is either fully occupied or unsuitable for retail.

Currently the submitters have a lease arrangement with the airport to store fuel which has five years left on the agreement. The submitters considered that if the fuel storage facility was relocated, it would enable the site to be redeveloped for a high employment generator. In this regard, the submitters considered that a Business Area 1 rezoning would get better amenity in the area if rezoned to Business 1.

The Hearing Committee appreciated the points that the submitters made both in their written submission and at the hearing. The Committee could see benefits in developing the land for some retail purposes, but did not agree with the submitters that general retailing on the site (which would be permitted under the Business 1 Area) would necessarily be the right outcome for Miramar or the City. Replication of existing Centres is something that this plan change is seeking to avoid. The Committee noted the dreariness of the recently-built nearby retail complex on Tauhinu Road and concluded that given the close proximity of Miramar Town Centre, this outcome could easily be repeated at 16 Portsmouth Road under the Business 1 Area zoning.

The Committee was mindful that the availability of industrial and employment land within Wellington City continues to be in short supply. A future shortfall in industrial land will impact on the overall economy of the City through loss of diversity, and will have adverse effects on social wellbeing through loss of range in the employment market. The Hearing Committee felt that whilst indeed service industries such as wrecker yards, panel beaters and spray painters etc would be permitted under a Business 2 Area zoning, these would also be permitted under a Business 1 Area zoning and that Council had adequate discretion through the resource consent process to ensure these were appropriately managed and screened.

The Committee noted that although a supermarket would not be permitted as of right under the Business 2 Area provisions, many other varied retailing activities would be available under the zoning. This, coupled with the concern that industrial land will likely continue to be in short supply in Wellington meant that the Committee decided that they could not support **submitter 111** in their request for a Business 1 Area zoning.

**Submitters 39 (Armagh 4 Ltd) and 97 (Graeme Smith)** supported the plan change and requested that 60 Miramar Avenue, Miramar (Lot 1 DP 8262) be rezoned from Outer Residential to Centres. This building is located on a prominent site in Miramar Town Centre on the corner of Miramar Avenue and Stone Street. The building is one of four purpose-built residential character buildings, but has operated as a commercial activity for a number of years.

The Hearing Committee observed that the building is of a residential scale and character that is distinctive and complementary to this part of the Miramar Town Centre and that none of the other properties fronting this part of Miramar Ave have

requested a change in zoning. Whilst the Committee did not have concern with the commercial use of the site per se, there is concern that the Centres zoning for this corner site may enable a scale of development that could have potential adverse effects on the neighbouring properties and the streetscape appearance of the area. The Committee note that the building would have the benefit of existing use rights which allows for its continuing operation as a commercial business. On balance, it was decided that 60 Miramar Avenue retain its Outer Residential zoning and that **submissions 39** and **97** are rejected.

#### Recommended Decisions

- **Accept** submission 10 insofar as it supports the proposed rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres
- **Reject** submission 111 insofar as it opposes the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area
- **Reject** submissions 39 and 97 insofar as they request the rezoning of 60 Miramar Avenue, Miramar (Lot 1 DP 8262) from Outer Residential to Centres

#### **4.11.5 Newtown**

Specific issues raised in submissions include:

- Supports the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned (**Submissions 86** and **87**).
- Supports the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres (**Submission 60**).
- Requests that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (the “Tip Top site”) be rezoned from Inner Residential to Centres (**Submission 101**).
- Requests the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area (**Submission 106**).
- Requests that 9 Millward Lane, Newtown be rezoned from Inner Residential to Centres (**Submission 59**).
- Seeks that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road are aligned to a Centres zoning (**Submission 8**).
- Opposes the proposed rezoning of the site at 190 Riddiford Street, and instead requested a Business 1 Area zoning (**Submission 103**).

#### Discussion

**Submitters 86 (Suman and Laxmi Parbhu)** and **87 (D and B Parbhu)** supported the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned. The Committee acknowledged this support and accepted these submissions.

**Submitter 60 (Bhikha Family Trust)** supported the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres. The Committee acknowledged this support and accepted this submission.

**Submitter 101 (Showground Properties)** requested that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (97 Hanson Street) ('Tip Top' site) be rezoned from Inner Residential to Centres. Lot 4 relates to a parcel of land that fronts Hansen Street (also known as 97 Hanson Street). The land accommodates the main form of rear vehicular access to the Tip Top Site and reads as part of the operational function of the entire site. The Officers' Report recommended accepting this submission.

At the hearing, the submitter's lawyer, Greg Milner-White advised that they concurred with the Officers' Report to rezone the site. This was also agreeable by the Hearing Committee and in this regard submission 101 was accepted.

**Submitter 106 (Wellington Chinese Baptist Church)** requested the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area.

The land is located on the southern side of Donald McLean Street and currently accommodates a block of residential flats (number 20), a historic church building and a hall (number 22), a Manse (number 26) and a residential house (number 28).

The Committee noted that the site had been the subject of an appeal regarding the Plan Change 53 heritage listing of the 1907 Former Primitive Methodist Church building which is now owned and occupied by the Wellington Chinese Baptist Church. The Council Decision, which was released 18 October 2007, was appealed by the Wellington Chinese Baptist Church on the grounds that heritage listing would curtail the Church's present and future ability to serve and administer its community and impede and unduly restrict redevelopment of the site. This appeal has subsequently been withdrawn by the appellants.

The requested Centres zoning of this land was not supported by Officers' Report. The Officers' Report explained that land does not possess the qualities normally associated with a Centre zoning and is not directly linked with the main Newtown Town Centre retail strip along Riddiford Street. The Hearing Committee agreed that the land was not suitable for a Centres zoning.

The alternative request of a Business 1 Area zoning for the site has pros and cons. However, on balance, the Committee decided that this request could not be supported either. In making this decision, the Committee considered the following:

- The area in general does not have a defining character and appears to comfortably accommodate a mix of commercial, community facilities and residential uses.
- Any future redevelopment on site would need to take into account the heritage values and setting of the church heritage building. This could mean that future development would be limited by the central location of the church building which may result in a more fine-grained development, than if the site was redeveloped completely unlimited by existing buildings.
- The Business 1 Area zoning would create many more commercial opportunities than currently available to the church group. This would be particularly relevant when the site was considered in conjunction with the large Business 1 Area lots to the rear of the site. The amalgamation of these lots could create a sizable piece of land that could accommodate activities that may not be appropriate in that location (i.e. a supermarket).
- The proposed Business 1 Area zoning did not meet the criteria used to assess the possibility rezoning e.g. recognised commercial need, reflects other

commercial uses, increases urban design characteristics, completes a commercial block, need for additional height and bulk and is the area suitable for intensification?

In this regard, the Hearing Committee did not support the submitter's request that 20-28 Donald McLean Street be rezoned from Inner Residential to a Business 1 Area.

**Submitter 59 (Cockburn Architects)** requested the Council rezone the western side of Millward Lane (in particular 9, 13, 15 and 17) Newtown as Centres to match the existing Centres zoning directly to the east. Millward Lane is a short, dead end pedestrian lane that runs behind the residential properties of 9-19 Millward Street. The car park for McDonalds Restaurant is located immediately to the east and is zoned Centres. Access to the existing houses on the sites is via the rear of the houses off Millward Street. The actual frontage of the properties is eastwards overlooking the McDonalds car park. An additional household unit has been built on the rear of 11 fronting the lane.

At the hearing submitter 59 (Cockburn Architects Ltd) explained that there was a 10m drop from Millward Street down to Millward Lane. The submitter would like to extend the zone boundary west to align with the rear boundary of 11 Millward Street. Mr Cockburn confirmed that the owners of 13-17 were supportive of the rezoning and that the owners of 9-19 had not indicated a preference. The submitter noted that the owner's preference would be to remove the car parking requirement, but if that is not possible then would be prepared to take their chances with a 'Centre' zoning.

Officers did not support the re-zoning of the land to Centres. The fronts of these sites are not able to be serviced by vehicles, and a Centres zoning would permit a wide range of uses on these sites that may not be compatible with surrounding residential activities. For this reason, Officers recommended rejecting this submission.

On this matter the Committee found that a visit to the site was invaluable. Following the visit, the Hearing Committee was left in no doubt that the sites were clearly residential in nature, and that rezoning them to Centres carried unacceptable risks in terms of allowing a range of uses that may not be compatible with the adjoining residential area. Given that the key issue for the submitter was the requirement to provide off-street car parking, the Committee considered that rezoning the properties to Centre was an inappropriate means by which to achieve this.

The Committee did however agree with the submitter that the rear of the properties fronting Millward Street had scope for residential intensification, with good opportunities for car-less living given the proximity to the town centre and public transport routes. The Committee considered that granting an exemption from the normal car-parking standards for the properties at 9-19 Millward Street was reasonable, and fairly within the scope of the submissions lodged. To this end the Committee noted the legal opinion supplied by Officers that raised a number of potential issues around the scope of submissions and the potential to grant a waiver to the car parking requirement. However after considering the legal tests referred to in the opinion, the Committee was in no doubt that the issue of car-parking was fairly raised in the submissions lodged by Cockburn Architects Ltd and Cycle Aware Wellington. The Committee noted that the sloppy drafting of the original submissions caused this issue to be unnecessarily complex.

Commissioner Ahipene-Mercer abstained from this decision on the grounds that he had previously sat on a resource consent hearing that sought a dispensation from the car-parking requirement on these properties.

**Submitter 8 (Peter Cox)** requested that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road, Newtown are aligned to have a Centres zoning. The properties along Adelaide Road, being numbers 161, 163, 169 and 171 currently have a Suburban Centres zoning, and are proposed to be rezoned to Centres. These properties are also

proposed to be included in the John Street (Newtown) Heritage Area, subject to a separate plan change.

The western end of 2 Hospital Road also currently has a Suburban Centres zoning (also proposed to be rezoned to Centres), whilst the eastern end of 2 Hospital Road is currently within the Wellington Hospital Institutional Precinct. This zoning is referred to as a non-cadastral split zoning. The entire site zoning of 6 Hospital Road is currently recognised as Wellington Hospital Institutional Precinct.

The Hearing Committee considered it appropriate to rezone 6 Hospital Road from the Wellington Hospital Institutional Precinct zoning to a Centres zoning, and remove the non-cadastral boundary of 2 Hospital Road by rezoning the entire site to a Centres zoning. This is because the sites are currently privately owned, are not used for hospital uses, and provide opportunities for commercial uses in the future. In this regard, the Committee accepted **submission 8**.

**Submitter 103 (McDonald's Restaurants (New Zealand) Limited)** opposed the proposed Centres zoning of the Newtown McDonalds site at 190 Riddiford Street, and instead requested a Business 1 Area zoning. The submission considered that the Centres provisions (especially the use of primary frontages) are more aligned to pedestrian focused activity which is at odds with the intended continued use of the site which has vehicle orientated focus. The submission also pointed out that the supermarket opposite the subject site has not been identified as a primary frontage.

At the hearing, Planner Jennifer Hudson, spoke on behalf of the submitter. Ms Hudson's evidence mainly centred around the urban design requirements of identifying the site on a primary frontage. She explained that if sufficient changes were made to the urban design provisions, then the rezoning of site to Business 1 Area from centres may not be necessary. The Hearing Committee has commented on this particular point in the frontage maps Section 4.5.3 of this Decision Report. However, focusing purely on the Business 1 Area rezoning request, the Committee did not accept Ms Hudson's argument that the McDonalds site was not part of the main Newtown Town Centre environment. The Committee noted that the location of the McDonalds site is near the key intersection of Riddiford and Constable Streets which can be considered as part of the core commercial area of Newtown.

In this regard, the Committee did not agree that a Business 1 Area zoning would be appropriate at this location and maintain that the Centres zoning is the correct zoning for the area.

As a point of note, the submission identifies that the supermarket opposite the McDonalds site has not been identified as a primary or secondary frontage. The Officers' Report advised that this street frontage is identified on the Operative District Plan Planning Maps and should also be identified as part of Plan Change 73. This is a drafting error and the Committee recommended that this is corrected in due course.

#### Recommended Decisions

- **Accept** submissions 86 and 87 insofar that they support the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned, as identified on the rezoning map in Appendix 5D.
- **Accept** submission 60 insofar that they support the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres.
- **Accept** submission 101 insofar as it requests that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (97 Hanson Street) (the "Tip Top site")

be rezoned from Inner Residential to Centres, as identified on the rezoning map in Appendix 5E.

- **Reject** submission 106 insofar as it requests the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area.
- **Reject** submission 59 insofar as it requests that 9 Millward Lane, Newtown be rezoned from Inner Residential to Centres.
- **Accept** submission 8 insofar as it seeks that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road are recognised as Centres, as identified on the rezoning map in Appendix 5F.
- **Reject** submission 103 insofar as it opposes the proposed Centres rezoning of the site at 190 Riddiford Street, and instead requested a Business 1 Area zoning.

#### 4.11.6 Ngaio

Specific issues raised in submissions include:

- Supports the proposed rezoning of the site at 1 Khandallah Road, Ngaio from Outer Residential to Centres (**Submission 30**).
- Opposes the proposed rezoning of 2, 4 and 4A Khandallah Road, Ngaio from Outer Residential to Centres because of the potential adverse effects on amenity values, including character. The submission also opposed proposed permitted bulk and location standards (**Submission 27**).

#### Discussion

**Submitter 30 (Kalpana Vallabh Patel)** supported the proposed rezoning of their property at 1 Khandallah Road from Outer Residential to Centres.

**Submission 27 (Ross and Christina Quidilla)** opposed the proposed rezoning of 2, 4 and 4A Khandallah Road from Outer Residential to Centres.

These submissions related to both commercial and residential property located at the intersection of Khandallah Road and Colway Street, Ngaio. These commercial buildings are located at street level and consist of small superettes/dairies, liquor stores and a chiropractic clinic. These buildings have a strong connection with the nearby Ottawa Road commercial buildings that essentially form the main core of the Ngaio Neighbourhood Centre. Number 4 Khandallah Road is located on the eastern side of the road and contains a chiropractic clinic fronting the street edge, with an elevated residential property located behind. Number 2 Khandallah Road has a similar arrangement in that the dairy and liquor store front the street edge, but in this case a vacant rear garden is elevated above. **Submission 27** has raised particular concerns about the possible adverse effects on amenity values resulting from the proposed zone change. The Hearing Committee noted that the residential property of 4A is directly adjacent to this garden space and essentially the property would be flanked by commercial property to its south-east and western boundaries if the proposed Centres zoning were to be accepted.

The Committee observed that number 4A Khandallah Road is a large residential property that in all likelihood would not be used for commercial purposes in the future. Its elevated position means that it is somewhat detached from the main road and given these factors, and the Committee agreed in part with **submission 27** that

the zoning should remain as Outer Residential. However, given the lower lying topography and relationship with the other commercial buildings in the area, the Committee decided that the former chiropractic clinic at 4 Khandallah Road is appropriate for Centres zoning.

Therefore it is recommended that an Outer Residential/Centres split zoning is an appropriate tool to adequately reflect the uses of these separate buildings.

With regards to number 2 Khandallah Road, it is noted that Centres zoning on this property (and the entire adjoining site of 4 and 4A) would allow for comprehensive redevelopment of the site (especially the rear garden) that may have possible adverse amenity effects on the residential house at 4A. This, coupled with the fact that the streetscape of the site changes on the Colway Street elevation to a more residential character, the Committee decided that a split Outer Residential/Centres zoning would adequately reflect the uses of these separate buildings.

#### Recommended Decisions

- **Accept** submission 30 insofar as it supports the proposed rezoning of the site at 1 Khandallah Road, Ngaio from Outer Residential to Centres
- **Accept** submission 27 insofar as it opposes the proposed rezoning of 2, and 4A Khandallah Road, Ngaio from Outer Residential to Centres but allow for the street fronting properties of 4 and 2 Khandallah Road to be recognised as Centres, as identified on the rezoning map in Appendix 5G.

#### **4.11.7 Tawa/Takapu Island**

Specific issues raised in submissions include:

- Requests that the site at 42 Main Road, Tawa (Redwood Village) be rezoned to Outer Residential rather than a Business 1 Area (**Submission 7**).
- Requests that the site at 98 Main Road, Tawa be rezoned as a Business 1 Area rather than a Business 2 Area zone (**Submission 44**).
- Rezone the Business 1 areas referred to in the section 32 report (and in Rule 34.4.5 and 34.6.1.14) as “Tawa South” and “Takapu Island” to “Centres” zone (**Submission 108**).

#### Discussion

**Submitter 7 (Lloyd Spackman)** considered that 42 Main Road, Tawa (Redwood Village) should be zoned Outer Residential rather than a Business 1 Area. This submission is opposed by **further submission 14** who are the owners of the adjoining Dress-Smart site and considered that the land should be zoned as Business 1 Area. As rightly pointed out by **Submitter 7**, the area is purely residential in character and there is no industrial or commercial businesses activity in the village and little or no likelihood of any in the future. Redwood residential village was developed under the Suburban Centre zoning in the 1990s and contains 76 single storey unit-title residential dwellings. The Business 1 zoning allows for a mix of uses on the site, but given that it is already reasonably intensely developed for residential purposes it is not considered that other non-residential activities will be able to locate on site if desired. In terms of Redwood Village’s relationship with the adjoining Dress-Smart site, the Hearing Committee was confident that the Business 1/Residential Area interface can be appropriately managed. In this regard the



Committee accepted the recommendations in the Officers' Report that **submission 7** is accepted and **further submission 14** is rejected.

**Submitter 44 (Barry Stuart R Millage)** requested that his property at 98 Main Road Tawa be recognised as a Business 1 Area as opposed to the Business 2 Area proposed in the plan change. The site is located on the corner of Main Road and Tawa Street and contains a BP service station to the front of the site with the rear made up of a large warehouse building. The submission explained that they have had difficulty in attracting a tenant for the warehouse space and Mr Millage has plans to divide the space up into a mixed use development.

The Hearing Committee considered that it is not appropriate to rezone the site from a Business 2 Area to a Business 1 Area because of its close proximity and relationship with other suitable Business 2 Area land. The Committee noted that the subject site directly adjoins a large proportion of light industrial businesses that stretch along Main Road providing work and employment-based services. Such services and land are in short supply within the City and the Committee considered they should be maintained for those purposes. Further, the Committee did not consider that residential activities would be appropriate in the area, given the nature of the activities that take place there. Therefore, it was decided that a Business 2 Area zoning should be retained for 98 Main Road, Tawa as proposed in the plan change.

**Submission 108 (Progressive Enterprises Limited)** requested that the Business 1 areas referred to in Rule 34.4.5 and 34.6.1.14 as Tawa South and Takapu Island be zoned Centres.

The Committee observed that out-of-centre retailing was identified as a key issue that needed to be better managed through the introduction of Plan Change 73. Tawa South and Takapu Island in particular were identified by Officers as having a greater potential risk of adversely affecting the viability and vibrancy of the Tawa Town Centre, should a number of small-scale retail outlets or a key anchor such as a supermarket establish there. Any changes to the retail rules at Takapu Island therefore may potentially undermine the role and function and the convenience-based retail of Tawa Town Centre and Council's and the community's investment in infrastructure and community services and facilities. In this regard, the Committee could not support **submission 108**.

#### Recommended Decisions

- **Accept** submission 7 insofar as it requests that the site at 42 Main Road, Tawa (Redwood Village) be rezoned to Outer Residential rather than a Business 1 Area, as identified on the rezoning map in Appendix 5H.
- **Reject** submission 44 insofar as it requests that the site at 98 Main Road, Tawa be rezoned as a Business 1 zone.
- **Reject** submission 108 insofar as it requests that the Business 1 areas referred to in the section 32 report (and in Rule 34.4.5 and 34.6.1.14) as "Tawa South" and "Takapu Island" be rezoned to "Centres" zone.

#### **4.11.8 Other**

Specific issues raised in submissions include:

- Opposes the proposed rezoning of the site at 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 and sought that either the current Suburban Centres zoning is maintained, or the land is rezoned as a Centre or a Business 1 Area. In the event the Council refuses to make the

decision sought above, the submissions requested that the Rules in Chapter 34 are amended to clearly exclude only those activities which are incompatible with the Business 2 zoning, or which would affect the viability and vitality of the other identified centres (**Submission 57**).

- Requests that 1 Malvern Road, Ngauranga be zoned as Business 1 Area rather than the Business 2 Area proposed (**Further Submission 7**).
- Opposes the proposed rezoning of Greta Point (**Submission 9**).
- Seeks the confirmation of the Centres zoning for the Johnsonville Centre (**Submission 78**).
- Requests that the site at 673 Hutt Road, Horokiwi be rezoned from Rural to Business 2 (**Submission 85**).
- Seeks the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site (**Submission 79**).
- Supports the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Suburban (sic) Centres (**Submission 2**).
- Seeks the confirmation of the proposed rezoning of 306 Tinakori Road as Centre. The submission also sought an extension of the proposed partial Centre zoning to cover the entire properties at 302 and 304 Tinakori Road, and an extension of the proposed partial Inner Residential zoning to cover the entire property at 300 Tinakori Road (**Submission 80**).

### Discussion

**Submitter 57 (Market Gardner's Group Ltd)** opposed the proposed rezoning of the 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 Area and submitted that the site should be recognised as a Centre or a Business 1 Area.

34 Jamaica Drive houses a large produce wholesale, flower wholesale and auction and banana ripening facility, with a proportion of the building also used to supply fresh produce and frozen and dry goods to the food industry. There is also a truck fuel stop operating at the front of the property. The building, which was built in 1992, is typically expansive in order to accommodate these uses.

The Committee noted that Business 2 Areas have been created in part to respond to the issue of loss of industrial land. This has been a notable trend in the period from 1995-2009 and resulted from the move of residential and retail activities into areas previously dominated by commercial and industrial uses. This has provided a greater mix in some areas, but it can make it difficult for activities and businesses to find land and premises within the city boundaries.

The Business 2 Areas are traditional business areas where a range of industrial activities including warehousing, manufacturing and commercial services can occur. Because of the industrial nature of the activities in such areas, lower levels of amenity are acceptable compared with other areas in the City. Residential and retail activities are not encouraged in Business 2 Areas.

Given the role and function of the wider Grenada North area, the nature of the activities that occur on site and the building typology needed to accommodate them, the Committee felt that the Business 2 Area zoning is entirely appropriate for the site. The Committee observed that the area does not possess a Centres role and function and likewise, is not appropriate for general retailing and residential development which would be permitted under the Business 1 Area zoning. It is considered that the proposed Business 2 Area zoning will not promote the sustainable management of

natural and physical resources as stated by the submission. Therefore, the Committee decided that submission 57 is rejected.

**Further Submitter 7 (Paulema Properties Ltd)** submission related to land located at 1 Malvern Road, Ngauranga Gorge which contains an existing retail activity with a large format showroom (LV Martin site). The submission raised concern that the existing retail use of the site would become a Non-Complying Activity under the proposed Business 2 Area zoning.

The Officers' Report considered that it was appropriate to rezone 1 Malvern Road as Business 1 Area rather than a Business 2 Area zoning. This was due to the nature of the retail activities currently occurring on the site which would be better recognised as a Business 1 Area.

At the hearing, further submitter 7's Planner, Alistair Aburn, stated that they endorsed the Officers' recommendations regarding the rezoning of the LV Martin site at Ngauranga Gorge and the inclusion of the new definition of 'building improvement centre'. The Committee was comfortable with this position and accepted the request of **further submission 7**.

**Submitter 9 (Rosamund Averton)** opposed the proposed rezoning of Greta Point. Greta Point has been recognised as a Business 1 Area zoning in the proposed Plan Change. Currently the area contains a mix of residential town housing, the NIWA building, a motel, childcare centres, cafes and bars and other businesses. In light of the various land uses in the area, Business 1 Area zoning provides the most flexibility in being able to cater for these mixed uses. The Hearing Committee did not support **submission 9** and recommended that Greta Point continue to be identified as a Business 1 Area.

**Submitter 78 (DNZ Property Group Limited)** sought confirmation of the Centres zoning for the Johnsonville Centre. The submission was acknowledged and accepted by the Hearing Committee. **Further submission 6** opposed this submission, which in turn was not supported by the Hearing Committee.

**Submission 85 (Prime Property Group)** requested that the site at 673 Hutt Road, Horokiwi be rezoned from Rural to Business 2 Area.

This part of **submission 85** relates to an area of rural zoned land that is located on the landward side of State highway 2 just before the entrance to the Horokiwi Quarry. A building is present on site, as well as a number of bill board signs and other structures.

Based on the advice of the New Zealand Transport Agency, the Officers' Report recommended that this request be rejected, on the grounds that the Business 2 zoning would have consequential implications for traffic movements to and from the site, given its location on a busy stretch of limited access motorway.

At the hearing, the submitter's Planner Ian Leary, advised that the submitter would not be pursuing this request further.

With these points in mind, the Hearing Committee decided that the zoning of 673 Hutt Road, Horokiwi be retained as under the Operative District Plan ( Rural Area).

**Submitter 79 (Infratil Property Infrastructure Limited)** sought the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site. This was acknowledged and the submission accepted by the Hearing Committee.

**Submitter 2 (Perry Lark)** supported the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Centres. This support was acknowledged and accepted by the Hearing Committee.

**Submitter 80 (Peng Hui Lim)** requested that Council review the current split zoning that runs through the properties at 300, 302 and 304 Tinakori Road. At present, the fronts of these properties are zoned Centre to reflect existing ground floor uses, while the upper floors to the rear are zoned Inner Residential to reflect the character and use of the building.

The Hearing Committee supported this submission on the basis that the suggested re-zonings better recognise the use and character of the properties in question. As a result the property at 300 Tinakori Road is to be zoned Inner Residential, while 302, 304 and 306 Tinakori Road is to be zoned Centres.

#### Recommended Decisions

- **Reject** submission 57 insofar as it opposes the proposed rezoning of the site at 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 and sought that either the current Suburban Centres zoning is maintained, or the land is rezoned as a Centre or a Business 1 Area.
- **Accept** further submission 7 insofar that requests that 1 Malvern Road, Ngauranga be zoned as Business 1 Area rather than the Business 2 Area proposed, as identified on the rezoning map in Appendix 5I.
- **Reject** submission 9 insofar as it opposes the proposed rezoning of Greta Point.
- **Accept** submission 78 insofar as it seeks the confirmation of the Centres zoning for the Johnsonville Centre.
- **Reject** submission 85 insofar as it requests that the site at 673 Hutt Road, Kaiwharawhara be rezoned from Rural to Business 2.
- **Accept** submission 79 insofar as it seeks the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site.
- **Accept** submission 2 insofar as it supports the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Centres.
- **Accept** submission 80 insofar as it seeks amendments to the zoning of properties from 300-306 Tinakori Road, as identified on the rezoning map in Appendix 5J.

#### **4.12 VOLUME 3 – PLANNING MAPS**

##### Submissions

Specific issues raised in submissions include:

- Provide maps to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas (**Submission 108**).
- Change the proposed new zones colours on the planning maps (**Submission 131**).

##### Discussion

**Submission 108** requested that maps are provided to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas. The submission stated that these areas appear to be referred to in text only – there is no map to clearly define the geographical extent of these areas. This could lead to confusion and

difficulties for plan users in implementing these provisions. Whilst the areas are described in words in the Section 32 report, this report does not form part of the statutory plan provisions.

Officers considered that it unnecessary to further delineate the Tawa South and Takapu Island Business 1 Areas on the planning maps as these areas are already delineated on the maps by way of an orange dotted line which signifies that these are areas subject to site specific rules/appendices. Officers conceded however that these lines could be made clearer/bolder on the planning maps and will make changes accordingly. The Hearing Committee agreed with Officers' recommendations.

**Submission 131** requested that the proposed new zones colours on the planning maps be changed as the colours chosen for the Centre, Central Area, Business 1 Area and Business 2 Area are all shades of pink and purple. The submission argued that it is difficult to distinguish between the different zones on the maps, and suggested that other colours be chosen to make identification of the different zones more obvious. The Hearings Committee agreed with this submission and requested that Officers make changes to the new zone colours accordingly.

#### Recommended Decisions

- **Reject in part** submission 108 insofar as it requested the provision of maps to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas.
- **Accept** submission 131 insofar as it requested changing the proposed new zones colours on the planning maps.

### **4.13 SUBDIVISION**

#### Submissions

Specific issues raised in submissions include:

- Supports provisions in the Plan Change for 20 metre strips of esplanade land, however considered it should be a minimum width, rather than a maximum width (**Submission 118**).
- Esplanade reserves of 20 metres above mean sea level should be set aside (**Submission 9**).
- Amend the explanatory text to Policy 33.2.8.1 to acknowledge the waiver of esplanade land provision on subdivision within the Operational Port Area (**Submission 22**).
- Include in Rule 34.3.14 a further consideration regarding provision of esplanade reserve for subdivisions adjacent to the Coastal Marine Area (**Submission 22**).
- Add an advice note to the general standards for subdivision alerting applicants to the requirements of the Historic Places Act 1993 (**Submission 83**).
- Amend the details of information required to be supplied with subdivision consents (in sections 3.2.3.6 and 3.2.3.8.1) to provide greater recognition for archaeological sites (**Submission 83**).
- Amend Standard 7.6.4.1.3 as it relates to access to right of ways (**Submission 55**).

- Delete the requirement to comply with Standards 7.6.4.1.4 and 7.6.4.1.5 from Rule 7.2.3 (**Submission 55**).
- Retention of Objectives 33.2.8 Business Areas and 6.2.7 Centres, Policies 33.2.8.1 Business Areas and 6.2.7.1 Centres and Standards 34.6.4.1.8 Business Areas and 7.6.4.1.8 Centres as notified (**Submission 83**).

### Discussion

**Submission 118** supported provisions in the Plan Change for 20 metre strips of esplanade land, however considered it should be a minimum width, rather than a maximum width.

The maximum width of esplanades allowed to be taken under the RMA is 20 metres. The purpose of esplanades is two-fold: for conservation reasons or for public access, or a combination of the two. Council have the discretion to decide what width of esplanade is appropriate in the circumstances and has the legal ability under the RMA to take esplanades up to 20 metres, as they see appropriate. Setting 20 metres as a minimum width would have the effect of removing all development potential from some smaller properties, while at the same time setting aside land which is far more than needed to actually achieve the esplanade outcomes reasonable for the circumstances. It would potentially also have the effect of discouraging subdivision and further development of some sites where development would be seen as desirable. For this reason, the Hearing Committee considered that this submission should be rejected.

**Submission 9** requested that the plan provide for esplanade reserves of 20 metres above mean sea level to be set aside. Officers noted that the plan already makes provision for the taking of esplanade reserves if land adjacent to the coast is subdivided. However in reality it is unlikely that this will happen in more than one or two sites as the only area of the city where properties zoned Centres, Business 1 Area, or Business 2 Area abut the coastal edge is at Greta Point (Business 1 Area), Shelly Bay (Business 1 Area), and at the Miramar Wharf (Business 2 Area). Outside of this area the land abutting the coast is either road reserve or open space land already owned by Council or a small pocket of approximately 12 properties on the eastern side of Lyall Bay. For this reason, the Committee rejected this submission.

**Submission 22** requested that an additional paragraph be included under Policy 33.2.8.1 as follows:

*The requirement to provide 20 metres of esplanade land will be totally waived where the land subject to subdivision is within the Operational Port Area and is to be utilised for an operational port purpose.*

The submission asserted that the provision of esplanade land within the Operational Port Area is acknowledged in other areas of the District Plan as not being required. The submission also stated that in the Operational Port Areas, it is not practical to provide for esplanade areas to be set aside for safety security and operational reasons.

Note 1 under section 3.4.6 of the operative District Plan (Vesting of Land) already gives guidance to the vesting of land for esplanade reserves (in relation to port operations only) in the Operational Port Area, Miramar/Burnham Wharf area and the Kaiwharawhara reclamation area. The Committee considered that the concerns raised in this submission are addressed and that the Council already has discretion to waive esplanade requirements in the Operational Port Area, and therefore this submission was rejected.

**Submission 22** also requested an amendment to Rule 34.3.14 to include a further consideration regarding the provision of esplanade reserve for subdivision adjacent to the coastal marine area, as follows:

- 34.3.14 Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of:** · *Pt Lot 2 DP 54434, Grenada, refer to Appendix 7*
- 34.3.14.1 roading, access, stormwater, sewerage, and water supply**
- 34.3.14.2 reduction in the 20 metre esplanade reserve provision for subdivisions adjacent to the coastal marine area.**

The RMA already gives Council the authority to take esplanades, and decide through the resource consent process whether Council wants to take the full 20 metres or waive or reduce this requirement. However, the Hearing Committee agreed with the submission that it may be prudent to include another matter of discretion under Rule 34.3.14 as follows:

- 34.3.14 Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of:** *For Pt Lot 2 DP 54434, Grenada, refer to Appendix 7*
- 34.3.14.1 roading, access, stormwater, sewerage, and water supply**
- 34.3.14.2 esplanades.**

As the concerns of the submission are already addressed in part by the RMA itself, this submission should be accepted in part.

**Submission 83** requested that the subdivision provisions be amended to provide greater recognition for the Historic Places Act 1993, particularly regarding archaeological sites. The Committee considered that this would be useful and recommended the following:

- Inclusion of a margin note in Standards Subdivision Sections of 7.6.4 and 34.6.4 alerting readers to the need to also check the requirements of the Historic Places Act 1993 as follows:

*Archaeological sites associated with human activity that occurred before 1900 are protected under the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites.*

- Inclusion of an additional information requirement in the Chapter 3 General Provisions section 3.2.3 requiring an assessment of the proposed works to uncover archaeological remains dating pre 1900, and the steps to be taken in the event that such remains are discovered, as follows:
  - the location of any listed heritage items, areas, buildings or recorded archaeological sites
  - an archaeological assessment must be provided for any subdivision involving a listed historic site dating pre 1900. Applicants must demonstrate that regard has been had to alternatives that will reduce the effects of the proposal on archaeological values.

**Submission 55** opposed the wording of Standard 7.6.4.1.3, relating to access for subdivisions, as it asserted that the wording of the standard as it currently reads is

confusing. The submission requested the amendment of Standard 7.6.4.1.3 as follows:

*7.6.4.1.3 Every allotment must have practical, physical and legal access to a formed legal road ~~or by way of a registered right-of-way.~~*

The Committee agreed that the wording requiring access by way of a registered right of way is unnecessary. The amended wording, as suggested by the submission, is sufficient as it is clear that every allotment must have access to a formed legal road via a legal arrangement (i.e. directly from legal road to the site or a right of way). As such, the Committee accepted this submission.

**Submission 55** requested the deletion for the requirement to comply with Standards 7.6.4.1.4 and 7.6.4.1.5 from Rule 7.2.3. The submission noted that under Rule 7.2.3 subdivision is only a controlled activity if the proposal complies with the Standards in section 7.6. Standard 7.6.4.1.4 requires every allotment to have drive on access and parking in accordance with the relevant standards. The submission asserted that given Wellington's topography this is likely to involve excavation and/or filling in order to provide a vehicle crossing and parking space. However, standard 7.6.4.1.5 specifies that only earthworks which are permitted by Rule 30.1.1 of District Plan Change 70 (DPC 70) can occur. The limits imposed by DPC 70 will be almost impossible to comply with on the majority of sites. Clearly earthworks to create a parking space on all but the flattest sites will involve earthworks which breach this distance to boundary provision.

The Hearing Committee accepted the submission in part. At present the subdivision rules trigger any subdivision that cannot meet the earthworks, site access and parking standards. The Committee agreed that this is unduly onerous, especially given Wellington's topography where earthworks breaches are relatively common. As a consequential amendment, the Committee also agreed to amend the corresponding rule in the Business Areas chapter. However, the Committee did not consider that removing the reference to the earthworks, site access and parking access standards was the most appropriate fix.

If earthworks standards are not attached to the Controlled Activity subdivision then Council would be placed in the situation of having to approve subdivision consent applications knowing that development of the lot(s) would require substantial earthworks that may not be granted land use consent at a later date. The Hearing Committee considered that there was merit in considering the potential effect of required earthworks at the time of subdivision. However, the Committee acknowledged that any breaches of the earthworks standards can be adequately considered as a Discretionary Activity (Restricted) therefore agreed that Rule 7.3.14 could be amended to facilitate this.

In terms of vehicle access and parking Officers noted that standard 7.6.4.1.4 requires that the access and parking is provided at the time of subdivision. This works for subdivisions around established developments, but does not work for the subdivision of empty sections. To resolve this, Officers recommended amending Controlled Activity Rule 7.2.3 to note that subdivision must comply with the vehicular access and parking standards or demonstrate the ability to meet the standards. In terms of Rule 7.3.14 Officers proposed to delete the reference to standard 7.6.4.1.4 and add "parking" to rule 7.3.14.1. The effect of this will be to enable any breach of the access and parking standards to be considered as a Discretionary Activity (Restricted).

As such, the proposed amended wording of Rules 7.2.3 and 7.3.14 was as follows:

**7.2.3 Company lease, cross lease and unit title subdivision is a**



**Controlled Activity in respect of:**

**7.2.3.1 stormwater, sewerage and water supply**

**7.2.3.2 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit**

**provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs. In terms of Standard 7.6.4.1.4, applications must either meet the vehicle access and parking standards, or demonstrate an ability to meet these standards.**

**The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply, or the buildings has existing use rights under section 10 of the Resource Management Act.**

**7.3.14 Any subdivision not being a Permitted or Controlled Activity, except for subdivision within the Churton Park District Centre Concept Plan area, is a Discretionary Activity (Restricted) in respect of:**

**7.3.14.1 roading, access, site servicing and parking**

**7.3.14.2 landscaping**

**7.3.14.3 earthworks**

*Subdivisions that trigger Rule 7.3.13 will be assessed against the provisions of the Subdivision Design Guide.*

The Committee agreed that these changes were necessary to give effect to the Officers' recommendation, and directed that they be implemented.

**Submission 83** sought the retention of Objectives 6.2.7 and 33.2.8, Policies 6.2.7.1 and 33.2.8.1, and Standards 7.6.4.1.8 and 34.6.4.1.8, relating to subdivision. This support was noted and accepted by the Committee.

Recommended Decisions

- **Accept** submission 118 insofar as it supports provisions in the Plan Change for 20 metre strips of esplanade land. **Reject** submission 118 insofar as it considered that the 20 metres strips should be a minimum width, rather than a maximum width.
- **Reject** submission 9 insofar as it requests additional provisions to require esplanade reserves to be taken along the coastal edge.
- **Reject** submission 22 insofar as it requests an additional paragraph be included under Policy 33.2.8.1 that acknowledges the waiver of esplanade provision on subdivision within the Operational Port Area.

- **Accept** in part submission 22 insofar as it requests an amendment to Rule 34.3.14 to include a further consideration regarding the provision of esplanade reserve for subdivision adjacent to the coastal marine area.
- **Accept** submission 83 insofar as it requests greater recognition for the Historic Places Act 1993 and archaeological sites
- **Accept** submission 55 insofar as it requests the amendment of Standard 7.6.4.1.3 as it relates to access to right of ways.
- **Accept in part** submission 55 insofar as it seeks amendments to the subdivision policies, rules and standards.
- **Accept** submission 83 insofar as it requests the retention of Objectives 33.2.8 Business Areas and 6.2.7 Centres, Policies 33.2.8.1 Business Areas and 6.2.7.1 Centres and Standards 34.6.4.1.8 Business Areas and 7.6.4.1.8 Centres as notified.

#### 4.14 HSNO/ CONTAMINATED LAND/ DISCHARGE OF CONTAMINANTS

##### Submissions

Specific issues raised in submissions include:

- Delete Rules 7.3.5.13 and 34.3.4.13 (**Submission 31**).
- Delete Rule 7.3.5.13 relating to the discharge of contaminants (**Submission 64**).
- Include reference in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure (**Submission 22**).
- Amend Rule 34.1 to provide for the upgrade and maintenance of in ground utility services and infrastructure on contaminated or potentially contaminated sites (**Submission 22**).
- Renumber 34.1.4 to 34.1.5 and amend Rule 34.1.5 to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites (**Submission 22**).
- Where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice (**Submission 9**).

##### Discussion

**Submissions 31 and 64** sought the deletion of Rules 7.3.5.13 and 34.3.4.13, relating to the discharge of contaminants, as this is a function that is under the jurisdiction of Greater Wellington Regional Council rather than Wellington City Council. These submissions were accepted by the Committee.

**Submission 22** requested that a reference be included in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure (HFSP) relating to CentrePort's Operational Port Areas.

The Committee noted that hazardous substances in storage in operational port areas are exempt from the application of the HFSP provisions but that operations must be conducted in accordance with an approved Hazardous Substances Management Plan. While a special situation applies in operational port areas the Committee noted that there is a long list of other exemptions under the HFSP rules, and did not consider

that any particular one should be highlighted in Policy 33.2.12.1. The Committee noted that the Policy is of a generic nature which identifies the importance of safeguarding Wellington's environment from the adverse effects of hazardous substances and the use of the HFSP procedures but does not address all aspects of the rules. The Committee considered that the policy as worded is appropriate and should not become too detailed.

A note in the margin under provision 33.2.12.5 refers to the exemptions to the HFSP provisions and the Committee considered that this provides adequate acknowledgement and guidance for those using the Plan.

**Submission 22** requested an amendment to Rule 34.1 to provide for the upgrade and maintenance of in ground utility services and infrastructure on contaminated or potentially contaminated sites. The submission argued that the District Plan does not appear to provide for necessary works such as the repair or replacement of pipes or cables or the resurfacing of parking areas on contaminated or potentially contaminated land.

Submission 22 also requested that Rules 34.1.4 to 34.1.5 be renumbered and Rule 34.1.5 amended to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites.

The Commissioners noted that the issue of contaminated land was recently addressed through District Plan Change 69 and that this change introduced a standalone set of provisions relating specifically to contaminated land, which became operative on 9 March 2010. At this time CentrePort raised questions about the implementation of the new provisions with regard to the upgrading and maintenance of in ground utility services and infrastructure. It was suggested by Council Officers at the time that such works should be a permitted activity. However, as no submission was made on this issue the matter could not be addressed under DPC 69 but a record was taken for consideration of a possible change to the contaminated land provisions at a future time.

In the meantime the submission has taken the opportunity to raise the issue under DPC 73. However, the Committee considered that as matters relating to contaminated land are now covered under the new Chapters 31 and 32 it would be unhelpful to include further rules under particular zones. The Committee considered that if this was to happen there is the potential for the rules to become 'lost'. For administrative reasons the Committee considered it important therefore that all contaminated land provisions remain in the one place. Accordingly, the Committee rejected this submission.

Until such time as changes to the contaminated land provisions are considered the type of works identified by the submission in this case will remain subject to the approved contaminated land rules. These provide that where it is confirmed that land is not contaminated, works may proceed as a permitted activity. While this will involve some additional assessment the resource consent planners have advised that for what might be defined as minor works the rules will be implemented in a practical and pragmatic way.

**Submission 9** requested that where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice.

The Committee acknowledged that while proposals involving nuclear materials may generate some local or wider community fear or anxiety such activities are nevertheless highly regulated under the RMA and other legislation. Public safety is the prime consideration.

The Committee considered therefore that established processes are appropriate and if the required standards are met then proposals may proceed as a permitted activity.

The nature of materials involved should not necessarily justify public notification under the RMA in all cases. The Committee rejected this submission.

### Recommended Decisions

- **Accept** submissions 31 and 64 insofar as they request deletion of Rules 7.3.5.13 and 34.3.4.13 relating to the discharge of contaminants.
- **Reject** submission 22 insofar as it requested the inclusion of a reference in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure.
- **Reject** submission 22 insofar as it requested that Rule 34.1 be amended to provide for the upgrade and maintenance of in ground utility services and infrastructure on contaminated or potentially contaminated sites.
- **Reject** submission 22 insofar as it requested that Rules 34.1.4 to 34.1.5 be renumbered and Rule 34.1.5 be amended to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites.
- **Reject** submission 9 insofar as it requested that where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice.

## **4.15 FLOODING/ COASTAL HAZARDS**

### Submissions

Specific issues raised in submissions include:

- Include an objective and policies in chapter 6 to maintain and enhance the coastal environment, acknowledging the hazards unique to the coast (**Submission 131**).
- Amend Policy 6.2.8.5 to be consistent with proposed Policy 33.2.11.5 (**Submission 131**).
- Delete Controlled Activity Rule 7.2.2 relating to flooding hazards (**Submission 131**).
- Add a note to Rule 7.3.7.3 to state that it would only apply where Rule 7.4.4 does not. Further, change the non-notification statement for Rule 7.3.7.3 to reflect that GWRC is an affected party for these resource consents (**Submission 131**).
- Delete Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area (**Submission 55**).
- Modify the non-notification/service statement for Rule 7.3.9 to clarify that GWRC is an affected party for such applications. Modify Rule 7.3.9 to widen the discretion provided for under this rule to read as follows, or words to like effect:

*7.3.9 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to buildings, including accessory buildings and structures, which are more than 10 metres from the Porirua Stream and its tributaries<sup>1</sup> and which have a floor area above the 1 in 100 year flood event are Discretionary Activities (Restricted) in respect of:*

- 7.3.9.1 building and structure floor levels and building floor area
- 7.3.9.2 building and structure location within the site
- 7.3.9.3 the displacement of flood waters from the site
- 7.3.9.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access (Submission 131).

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Retain Rule 7.4.4 (**Submission 131**).
- Amend Standard 7.6.2.3.1 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries, and so the standards read as follows, or words to like effect:

*7.6.2.3.1 No structure or building shall be located closer than:*

- *10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north;~~ and its tributaries<sup>1</sup> or the coastal marine area; or*
- *5 metres to any other water body, excluding artificial ponds or channels” (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Include an additional policy (and accompanying explanatory text) under Objective 33.2.10 that specifically addresses natural hazards unique to the coastal environment (**Submission 131**).
- Retain Policy 33.2.11.5 and amend the first two paragraphs of the explanation to clarify what is intended as follows:

*“Flooding problems exist in The Porirua Stream catchment is subject to flood events which can range in severity from small annual events to much larger ones. The Porirua, Takapu and Stebbings Stream form part of a wider flood protection network that includes dams and culverts in Churton Park, Takapu and Seton Nossitor Park. This is managed and maintained by Wellington Regional Council. To protect the safety of building occupants, the Council will ~~generally~~ require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. Wellington Regional Council, Wellington City Council and Porirua City Council are updating the flood hazard information during 2010.*”

*Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites. Council is particularly concerned that buildings within 10 metres of the Porirua Stream could impede the flow of flood waters and increase the risk of flooding to other properties ~~in the respective catchments~~. Buildings and structures located within 10 metres of the Porirua Stream and its tributaries ~~in this situation have therefore~~*

*been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered” (Submission 131).*

- Delete Controlled Activity Rule 34.2.2 relating to flooding hazards and the accompanying note (**Submission 131**).
- Add a note to Rule 34.3.9.3 to state that it would only apply where Rule 34.4.10 does not. Further, change the non-notification statement for Rule 34.3.9.3 to reflect that Greater Wellington is an affected party for these resource consents (**Submission 131**).
- Modify the non-notification/service statement for Rule 34.3.11 to clarify that GWRC is an affected party for such applications. Modify Rule 34.3.11 to widen the discretion provided for under this rule as follows, or words to like effect:

*34.3.11 The construction of, alteration of, and addition to, buildings, including accessory buildings, and structures which are more than 10 metres from the Porirua Stream or its tributaries<sup>1</sup> within the Tawa Hazard (Flooding) Area, ~~and that are not Controlled Activities; or more than 5 metres from the Takapu Stream within and/or the Takapu Hazard (Flooding) Area~~ are Discretionary Activities (Restricted) in respect of:*

*34.3.11.1 building floor levels and building floor area*

*34.3.11.2 building and structure location within the site*

*34.3.11.3 the displacement of flood waters from the site.*

*34.3.11.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Retain Rule 34.4.10, modifying the wording to be consistent with Rule 7.4.4 (**Submission 131**).
- Amend Rule 34.4.10 to include exemption to operational port area buildings and structures (**Submission 22**).
- Amend Standard 34.6.2.3.2 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries, and so the standards read as follows, or words to like effect:

*34.6.2.3.2 No structure or building shall be located closer than:*

- *10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north;~~ and its tributaries<sup>1</sup> or the coastal marine area; or*
- *5 metres to any other water body, excluding artificial ponds or channels” (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

## Discussion

**Submission 131** sought a range of changes to the rules and standards applying to the Tawa and Takapu Flood Hazard Areas. These are discussed in detail below.

**Submission 131** requested that an objective and policies be included in chapters 6 and 33 to maintain and enhance the coastal environment, acknowledging the hazards unique to the coast. Officers did not consider that it was appropriate to include a policy into the plan when no consideration has been given to the degree of risk posed by the hazard, the area subject to the hazard, or the types of activities that may be at risk.

At the hearing **Submitter 131** (Greater Wellington Regional Council) acknowledged that the relevant policy work had not been done, and that it was therefore not appropriate to pursue the matter at this time. The submitter suggested that Wellington City Council and Greater Wellington Regional Council work together on this issue as the Regional Council had substantial information on tsunami inundation zones, storm surge inundation flood areas and sea level rise. The submitter also noted that Council will need to take action on this matter in the near future in order to give effect to the policies contained in the new Regional Policy Statement (RPS).

**Submission 131** supported Policies 6.2.8.5 and 33.2.11.5 as they relate to flooding in the Porirua Stream catchment, though recommended changes to add references to the Takapu Hazard (Flooding) Area, and to add generic text about the management of the Porirua Stream catchment. The submission also noted that proposed Policy 33.2.11.5 includes references to coastal hazards, and suggested that this wording could also be used in Policy 6.2.8.5.

Officers noted that there are no Centres that are near or adjoin the coastal marine area or the Takapu Hazard (Flooding) Area, therefore did not consider it appropriate or necessary to amend either the policy or the explanatory text to refer to either coastal hazards or the Takapu Hazard (Flooding) Area.

Submitter 131 (GWRC) appeared at the hearing requesting the deletion of the last sentence of paragraph two in Policies 6.2.8.5 and 33.2.11.5.

Officers considered that the additional text proposed in the submission relating to the management of the Porirua Stream was useful however in providing context for structures within Hazard (Flooding) Areas. It was therefore considered appropriate to include these additional words. However, rather than adding any specific dates, as this will immediately date, Officers recommended just stating that the flood hazard information will be reviewed and updated on a periodic basis. Under the Watercourses Agreement with Greater Wellington Regional Council, GWRC manage the maintenance and flood mitigation of the Porirua Stream.

Submitter 131 (GWRC) appeared at the hearing requesting that the explanation to Policy 33.2.11.5 be changed in regards to natural coastal processes to be consistent with their recommendations on Policy 4.2.10.3 in the Residential Areas chapter. The Committee noted however that this request was outside the scope of the original submission and therefore cannot be addressed as part of deliberations.

The Hearing Committee concurred with the submitter that the last sentence of paragraph two does not add much values to the explanation and should be deleted and also agreed with the Officers' recommendations to reword the first two paragraphs of the explanation under Policies 6.2.8.5 and 33.2.11.5 as follows:

**Ensure that buildings and structures do not exacerbate natural hazards, particularly flood events.**

## **METHOD**

- Rules

~~Flooding problems exist in~~ The Porirua Stream catchment is subject to flood events which can range in severity from small annual events to much larger ones. The Porirua, Takapu and Stebbings Stream form part of a wider flood protection network that includes dams and culverts in Churton Park, Takapu and Seton Nossitor Park. This is managed and maintained by Wellington Regional Council. To protect the safety of building occupants, the Council will generally require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. The Porirua Stream flood hazard information will be reviewed and updated by the Greater Wellington Regional Council on a periodic basis.

~~Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites. Council is particularly concerned that buildings within 10 metres of the Porirua Stream could impede the flow of flood waters and increase the risk of flooding to other properties. in the respective catchments. Buildings and structures located within 10 metres of the Porirua Stream, and with a floor level below the 1 in 100 year flood event in this situation have therefore been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered.~~

**Submission 131** sought the deletion of Controlled Activity Rules 7.2.2 and 34.2.2 relating to flooding hazards. The submission considered that Council should take a cautious approach to allowing development in areas subject to flood risk (i.e. the Tawa Hazard (Flooding) Area), and should retain discretion over development in flood hazard areas to ensure that risks are minimised. The submission argued that there should be no controlled activities in the Tawa Hazard (Flooding) Area and therefore Rules 7.2.2 and 34.2.2 should be removed.

The submission also raised questions on why the structure of rules relating to the Tawa Hazard (Flooding) Area differs between the Centres and Business Areas, and noted that the advice note adjacent to the rule states that if the Standards in 34.6.1 are not met, then Rule 34.3.9 also applies. The submission believed that this was unintended and either the standards in 34.6.2 or Rule 34.3.4 were meant to be referred to.

The Hearing Committee considered it appropriate to delete both Controlled Activity Rules 7.2.2 and 34.2.2 as it agreed that Council should retain discretion over development in flood hazard areas to ensure that risks area minimised.

**Submission 55** requested that as Rules 7.2.2 and 7.3.9 are almost identical, Discretionary Restricted Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area should be deleted. As discussed above, the Hearing Committee considered it inappropriate to delete Rule 7.3.9, as Council should retain some discretion over buildings and structures within the Tawa Hazard (Flooding) Area to ensure that any risks are minimised.

**Submission 131** also requested a number of other amendments to the other flood hazard rules including:

- Amend Rules 7.3.9 and 34.3.11 to widen the scope of discretion provided for under these rules. The submission asserted that the discretion be extended to the effects on erosion, flood hazard risks and stream maintenance.

Officers considered it appropriate to widen the scope of discretion, as requested, to ensure that the natural hazard effects are given thorough investigation.

- The addition of a note to Rules 7.3.7.3 and 34.3.9.3 to state that these rules would only apply where Rules 7.4.4 and 34.4.10 do not.



As discussed further below, Officers considered that amending the wording of Standards 7.6.2.3.1 and 34.6.2.3.2 will make it unnecessary to add an advice note to state that Rules 7.3.7.3 and 34.3.9.3 would only apply where Rules 7.4.4 and 34.4.10 do not.

- Amend the non-notification/service statements for Rules 7.3.7.3, 7.3.9, 34.3.9.3 and 34.3.11 to reflect that the Wellington Regional Council is an affected party for these resource consent applications.

At the hearing, submitter 131 advised that Greater Wellington has an interest in both the yard requirements controlled under Rule 7.3.7.3 and 34.3.9.3 and the Tawa Hazard (Flooding) Area controlled under Rules 7.3.9 and 34.3.11. The Hazard (Flooding) Areas identify areas where flooding would occur in a 100 year return period (1%) flood event. The yard widths imposed by the District Plan relate mainly to flood protection/prevention works.

Given that the flood protection network is managed and maintained by the Wellington Regional Council, the Committee considered it appropriate to amend the non-notification statements of Rules 7.3.7.3, 7.3.9, 34.3.9.3 and 34.3.11, so that Greater Wellington Regional Council are an affected party for these resource consent applications.

- Retain Rules 7.44 and 34.4.10; however amend Rule 34.4.10 to be consistent with Rule 7.4.4.

The support of **Submission 131** was noted and accepted by the Committee; however it agreed with Council Officers that it would be good planning practice to take this opportunity to amend the wording of Rules 7.4.4 and 34.4.10 slightly for clarification.

Officers also considered it appropriate to take this opportunity to clarify the wording of all of the Hazard (Flooding) Area rules and remove any confusion created by the drafting of the current proposed rules. The Hearing Committee agreed with the Officers' recommendations to redraft Rules 7.3.9, 7.4.4, 34.3.11 and 34.4.10 as follows:

<b>7.3.9</b>	<b>In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to buildings, including accessory buildings and structures, which are more than 10 metres from the Porirua Stream and its tributaries and which have a floor area above the 1 in 100 year flood event are Discretionary Activities (Restricted) in respect of:</b>
<b>7.3.9.1</b>	<b>building and structure floor levels and building floor area</b>
<b>7.3.9.2</b>	<b>building and structure location within the site</b>
<b>7.3.9.3</b>	<b>the displacement of flood waters from the site</b>
<b><u>7.3.9.4</u></b>	<b><u>effects of the proposal on the erosion and flood hazard risks and stream maintenance access.</u></b>

*If the proposal does not comply with the standards for buildings and structures in 7.6.2, Rule 7.3.7 applies in addition to this Rule.*

***For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in 'Section Chapter 23. Utility Rules' of the District Plan.***

*Non-notification/ service*

In respect of Rule 7.3.9 applications ~~do not need to~~ will not be publicly notified ~~and do not need to be served on affected persons (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.~~

**Relevant policies for preparing resource consent applications**

See policies ~~6.2.5.1 – 6.2.5.6~~ 6.2.8.1, 6.2.8.3 – 6.2.8.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**7.4.4 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to, buildings, including accessory buildings, or structures, which are not Permitted Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).**

***For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in 'Section Chapter 23. Utility Rules' of the District Plan.***

**Relevant policies for preparing resource consent applications**

See policies 6.2.8.1, 6.2.8.3 – 6.2.8.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**34.3.11 Within an identified Flood Hazard (Flooding) Area, The the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures which are:**

- more than 10 metres from the Porirua Stream and its tributaries within the Tawa Hazard (Flooding) Area, ~~and that are not Controlled Activities;~~ or
- more than 5 metres from the Takapu Stream within the Takapu Hazard (Flooding) Area; and
- which have a floor level above the 1 in 100 year flood event

are Discretionary Activities (Restricted) in respect of:

**34.3.11.1 building and structure floor levels and building floor area**

**34.3.11.2 building and structure location within the site**

**34.3.11.3 the displacement of flood waters from the site.**

**34.3.11.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access.**

*If the activity does not comply with standards for activities in 34.6.1, Rule 34.3.9 applies in addition to this Rule.*

**“For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in ‘Section Chapter 23. Utility Rules’ of the District Plan.”**

*Non-notification/ service*

In respect of Rule 34.3.11 applications ~~do not need to~~ will not be publicly notified ~~and do not need to be served on affected persons~~ (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.

**Relevant policies for preparing resource consent applications**

See policies ~~33.2.4.1 – 33.2.4.8, 33.2.5.1 – 33.2.5.2, 33.2.11.1, 33.2.11.3 – 33.2.11.5, 33.2.11.4~~

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**34.4.10 Within an identified Flood Hazard (Flooding) Area, The the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures: which are not Permitted Activities or Discretionary Activities (Restricted)**

- ~~• less than 10 metres from the Porirua Stream within the Tawa Hazard (Flooding) Area, or~~
- ~~• less than 5 metres from the Takapu Stream within the Takapu Hazard (Flooding) Area, or~~
- ~~• less than 10 metres from the coastal marine area~~

**are Discretionary Activities (Unrestricted)**

**“For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in ‘Section Chapter 23 Utility Rules’ of the District Plan.”**

**Relevant policies for preparing resource consent applications**

See policies 33.2.11.1, 33.2.11.3 – 33.2.11.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**Submission 131** also requested that Standards 7.6.2.3.1 and 34.6.2.3.2 be amended to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries. The submission considered that the current wording of the standards (i.e. “the intersection of Main Road (Tawa) and Middletown Road and extending north”) is confusing as Main Road (Tawa) and Middletown Road do not intersect, and it is therefore unclear as to what intersection is meant. The submission considered that the restriction on buildings should apply throughout the area susceptible to hazard and access issues and ask that it be applied along the length of Porirua Stream and its tributaries, which would include any part of the Stebbings Stream from the toe of the Stabbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

Officers considered that if the location of a building or structure could exacerbate a flood event, or be at risk from a flood, then this would be better dealt with using the Flood Hazard Area controls, rather than a generic yard standard. Officers understood that Greater Wellington is in the process of remodelling the flood hazard zone for the Porirua Stream and noted that if this work results in changes to the extent area then the planning maps will need to be updated as part of a future plan change.

Officers did accept that Greater Wellington needs to be able to maintain access to Porirua Stream in order to undertake flood management works, and the 10 metre yard along Porirua Stream is supported for this reason. However Officers were not convinced that a 10 metre wide yard is required or justified along the tributaries suggested in the submission.

To enable the clear application of these standards Officers requested that the submitter provide advice to the hearing as to where they consider the main Porirua Stream channel commences.

At the hearing **submitter 131** (Greater Wellington Regional Council) clarified that the Porirua Stream commenced at the confluence of the Stebbings and Seaton Nossiter tributaries, near the intersection of Westchester Drive and Middleton Road. The submitter confirmed their position that the yard requirement should be applied to the tributaries of the Porirua Stream, as these ran through established residential and commercial neighbourhoods.

After visiting the Glenside area the Hearing Committee noted that the tributary running from the Seaton Nossitor dam ran through a number of commercial properties. On this basis, the hearing Committee agreed that the yard provision should be extended to include the tributaries, to ensure that future building works do not compromise accessibility to the stream bed in the event that flood management works are required, and to ensure consistency with DPC 72.

The Committee therefore agreed that the yard standards be amended as follows:

### **7.6.2.3 Yards**

7.6.2.3.1 No structure or building shall be located closer than:

- 10 metres to the Porirua Stream and its tributaries from the intersection of Main Road (Tawa) and Middleton Road and extending north; provided that this standard does not apply to areas located within an identified Hazard (Flooding) Area, which are dealt with under Rules 7.3.9 and 7.4.4; or
- 5 metres to any other water body, excluding artificial ponds or channels.

7.6.2.3.2 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.

### **34.6.2.3 Yards**

34.6.2.3.1 Where any site adjoins the coast the minimum yard width is 10 metres measured from mean high water springs except at Shelly Bay where the design guide will apply.

34.6.2.3.2 No structure or building shall be located closer than:

- 10 metres to the Porirua Stream and its tributaries from the intersection of Main Road (Tawa) and Middleton Road and extending north; provided that this standard does not apply to areas located within an

identified Hazard (Flooding) Area, which are dealt with under Rules 34.3.11 and 34.4.10; or

- 10 metres to the coastal marine area, excluding artificial ponds or channels; or
  - 5 metres to any other water body, excluding artificial ponds or channels.
- 34.6.2.3.3 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.
- 34.6.2.3.4 Standards 34.6.2.3.1 to 34.6.2.3.3 do not apply to areas used for port activities in the Miramar/Burnham Wharf Operational Port Area.

**Submission 22** requested that Rule 34.4.10, relating to the construction, alteration of, and addition to, building and structures, less than 10 metres from the coastal marine area be amended to include an exemption to operational port area buildings and structures, as the nature of port operations also makes it impractical for this rule to apply to the Operational Port buildings and structures. The submission therefore requested that the exemption note at the bottom of Rule 34.4.10 reads as follows:

- **“For the purposes of clarification, this Rule does not apply to Operational Port Area buildings and structures, or Network utility infrastructure, as they are provided for ...**

The Hearing Committee considered it appropriate to exempt operational port area buildings and structures from this rule to be consistent with the Central Area provisions.

#### Recommended Decisions

- **Reject** submission 131 insofar as it requests the addition of a policy in Chapters 6 and 33 regarding coastal hazards.
- **Accept in part** submission 131 insofar as it requests retaining Policies 6.2.8.5 and 33.2.11.5 but amending the explanatory text of both policies as they relate to flooding in the Porirua Stream catchment.
- **Accept** submission 131 insofar as it requests deleting Rules 7.2.2 and 34.2.2 relating to flooding hazards.
- **Reject in part** submission 131 insofar as it requests adding a note to Rules 7.3.7.3 and 34.3.9.3 to state that they would only apply where Rules 7.4.4 and 34.4.10 do not.
- **Accept** submission 131 insofar as it requests changing the non-notification statement for Rules 7.3.7.3, 7.3.9, 34.3.9.3 and 34.3.11 to reflect that GWRC is an affected party for such applications.
- **Reject** submission 55 insofar as it requests deleting Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area.
- **Accept in part** submission 131 insofar as it requested retaining Rule 7.4.4.
- **Accept in part** submission 131 insofar as it requests amending Standards 7.6.2.3.1 and 34.6.2.3.2 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries.

- **Accept in part** submission 131 insofar as it requests retaining Rule 34.4.10, modifying the wording to be consistent with Rule 7.4.4.
- **Accept** submission 22 insofar as it requests amending Rule 34.4.10 to include exemption to operational port area buildings and structures.

#### **4.16 LOW IMPACT DESIGN, STREAM AND VEGETATION PROTECTION**

##### Submissions

Specific issues raised in submissions include:

- Supports objectives and methods which incorporate low impact design, facilitating energy efficient building design (**Submission 118**).
- Provide a clearer expression of planning support for sustainable development practices and green building technologies (**Submission 118**).
- Establish a register of mature, visually prominent trees and bush to be afforded protection in the District Plan (**Submission 9**).
- Supports policies that encourage the identification and protection of woody vegetation, areas dominated by indigenous vegetation and riparian vegetation (**Submission 23**).
- Provide stronger rules to prevent adverse alterations to waterways, especially during the subdivision planning and development process. Utilise Low Impact Urban Development principles to assist with improving water quality (**Submission 23**).
- Stronger protection against removal of and damage to existing areas of native vegetation, and provide for the use of natural soak surfaces for stormwater control (**Submission 118**).
- Consider including rules regarding minimum distance that houses should be above mean high water springs (**Submission 23**).

##### Discussion

The support of **submission 118** regarding the objectives and methods which incorporate low impact design, facilitating energy efficient building design was noted and accepted by the Hearing Committee.

**Submission 118** considered that the District Plan should provide a clearer expression of planning support for sustainable development practices and green building technologies. While the Hearing Committee would be comfortable with the provision of further incentives for developing ‘green buildings’, unfortunately the District Plan is a fairly blunt tool for achieving this. The only incentives that the District Plan can offer are increased development potential. In the context of centres and business areas this generally means larger buildings or more commercial and/or residential units. The Hearing Committee concluded that in established centres and business areas it would be difficult to provide for additional development potential because communities already have expectations as to the density and scale of buildings that might be built in their local area.

In March 2008 the latest amendments to the Building Code came into effect. Under the code all new buildings (excluding industrial buildings, ancillary buildings etc) are required to achieve certain energy efficiency standards or BPI (building performance

indicators). Consideration is given to the types of materials, insulation levels, lighting etc used in the proposed building. Although not perfect the new code is a major step forward in terms of improving the energy efficiency of new buildings.

Given the improvements made to the Building Code, the Committee concluded that at this time, the most effective approach to green buildings to recognise their benefits in policy (so they could be balanced up in a consent application) and to remove any potential barriers contained within the existing district plan provisions. The current policies were considered to be consistent with this approach.

In regards to sustainable development practices, the Plan already contains a number of mechanisms to help manage the impact of subdivision and development on the natural environment, including ensuring the integration of environmental sustainability principles. These include the subdivision design guide, controls on earthworks, and policies encouraging the minimisation of hard surfacing and the retention of visually prominent trees and bush. The current plan provisions were therefore considered to adequately express sustainable development practices.

**Submissions 9, 23 118** generally supported policies promoting the retention of vegetation, but requested that the plan go further to identify and protect significant trees or areas of significant indigenous vegetation.

While the Hearing Committee acknowledged the critical importance of trees and greenery within urban areas, it was not convinced that District Plan controls were necessarily the key to the overall greening of the city. The Committee agreed that there had been poor examples of vegetation clearance that had impacted on specific sites, but noted that in total the city had become much greener over the past 20 years. The Committee noted that trying to regulate individual gardens was impractical and considered that it was unlikely to have any significant effect. The Committee considered that the Council's work in open space management, pest management, and the identification of important ridgelines and hilltops were all more likely to enhance the overall greening of the city, compared to additional district plan controls.

At present the District Plan only protects listed heritage trees. Recent amendments to the RMA removed Council's ability to put in place blanket vegetation protection rules. Accordingly any new vegetation protection rules would need to be targeted at specific trees or areas of vegetation. In order to ensure consistency any such areas would ideally be selected following a city-wide survey of existing vegetation, including centres, open space, rural and residential areas. The Committee considered that this work cannot be implemented as part of DPC 73 and recommended that it be included as part of the upcoming 10 yearly review of the plan.

**Submission 23** requested stronger controls to prevent adverse alterations to waterways, especially during the subdivision planning and development process. **Submission 118** requested that the plan provide for the use of natural soak surfaces for stormwater control.

The Committee noted that there are limits on the extent to which the District Plan can deal with these issues, as the Regional Council is the consenting authority responsible for managing discharges to water and air, and the diversion or piping of streams. However the District Plan does contain a number of mechanisms to help manage the impact of earthworks, subdivision and development on the natural environment. These include the subdivision design guide, controls on earthworks within 5 metres of a stream, and policies encouraging the minimisation of hard surfacing and the retention of visually prominent trees and bush. The current plan provisions were therefore considered to adequately address the issues raised.

**Submission 23** suggested that Council consider the inclusion of a rule regarding the minimum distance houses should be above mean high water springs, to help maintain the coastal environment and create safer setbacks in the event of storms

and sea level rise. The Hearing Committee did not support this change at this time on the basis that further work would be required before Council could assess the need for additional controls to help manage effects relating to sea level rise and coastal storm events. The Committee also noted that there are no Centres located within or adjacent to the coastal marine area, and only a couple of Business Areas, so there is little scope for new residential development in these areas to cause impacts. For Business Areas, the proposed plan provisions include yard standards requiring that no structure or building be located closer than 10 metres to the coastal marine area.

#### Recommended Decisions

- **Accept** submission 118 insofar as it supports objectives and methods which incorporate low impact design, facilitating energy efficient building design.
- **Accept** submission 23 insofar as it supports policies that encourage the identification and protection of woody vegetation, areas dominated by indigenous vegetation and riparian vegetation.
- **Reject** submissions 9, 23 and 118 insofar as they request that the plan go further to identify and protect significant trees or areas of significant indigenous vegetation.
- **Reject** submission 23 insofar as it requests providing stronger rules to prevent adverse alterations to waterways, especially during the subdivision planning and development process.
- **Reject** submission 118 insofar as it requests that the plan provide for the use of natural soak surfaces for stormwater control.
- **Reject** submission 118 insofar as it requests providing a clearer expression of planning support for sustainable development practices and green building technologies.
- **Reject** submission 23 insofar as it requests the consideration of the inclusion of rules regarding minimum distance that houses should be above mean high water springs.

### **4.17 BUILDING EFFICIENCY AND SUSTAINABILITY**

#### Submissions

Specific issues raised in submissions include:

- Supports Objectives 6.2.4 and 33.2.5 (Building Efficiency and Sustainability) (**Submission 118**).

#### Discussion

The support of **submission 118** regarding the objectives and methods relating to building efficiency and sustainability was accepted by the Committee.

#### Recommended Decisions

- **Accept** submission 118 insofar as it supports Objectives 6.2.4 and 33.2.5 (Building Efficiency and Sustainability).



## 4.18 TRANSMISSION LINES

### Submissions

Specific issues raised in submissions include:

- Retain without further modification Objective 33.2.8 and Policy 33.2.8.1 relating to subdivision, and Objective 33.2.9 and Policy 33.2.9.3 relating to the national grid (**Submission 43**).
- Requested that the Council change the first word of Policy 33.2.9.1, regarding transmission lines, from ‘restrict’ to ‘control’ (**Submission 85**).
- Retain without further modification the requirement for all buildings/structures in Rules 34.1.6 and 34.2.2 to comply with the Buildings and Structures Standards in Section 34.6 (**Submission 43**).
- Retain without further modification the requirement for all subdivision in Rules 34.1.6 and 34.2.2 to comply with the Subdivision Standards in Section 34.6 (**Submission 43**).
- Retain without further modification Subdivision Rules 34.1.9; 34.2.3, and 34.3.14 (**Submission 43**).
- Retain without further modification Building and Structures Rule 34.3.9.6, but amend the notes following Rule 34.3.9.6 (proximity to high voltage transmission lines) as follows:
  - “Non-notification/ service...  
*In respect of item 34.3.9.6 (proximity to high voltage transmission lines) ~~the written approval of affected persons (other than the transmission line owner) will not be necessary. Notice of applications need not be served on affected persons and applications need not be publicly notified and need not be served on any affected party, other than Transpower New Zealand Limited~~” (**Submission 43**).*
- Retain without further modification Subdivision Standard 34.6.4.1.10 (**Submission 43**).
- Retain without further modification Building and Structures Standard 34.6.2.6, but amend to include the following:
  - “All new trees/vegetation planted in the vicinity of any transmission line should at a mature height, not encroach upon the relevant growth limit zone [or notice zone] for the line, as defined in the Electricity (Hazards from Trees) Regulations 2003” (**Submission 43**).
- Amend the Business Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines (**Submission 43**).
- Identify transmission corridors on the Wellington City District Planning maps as follows:
  - A 24-metre wide (12 metres either side of the centre line of the transmission line) non complying zone along the transmission line; and
  - A 20-metre wide ‘assessment zone’ each side of the 24-metre wide corridor (**Submission 43**).

- Amend the definition of ‘minor upgrading’ to include a greater range of works on the national grid transmission lines (**Submission 43**).

### Discussion

DPC 73 contains rules and standards regarding buildings and structures located within close proximity of high power transmission lines. These lines are also shown on the planning maps to aid plan users.

**Submission 43** generally supported the controls proposed, but requested a number of amendments to the policies, rules and standards that relate to the transmission lines. These were:

- Retain Rule 34.3.9.6, but amend the non-notification statement attached to the rule to clarify that Transpower NZ Ltd may be considered to be an affected party. This submission was supported by Officers on the basis that it is consistent with the National Policy Statement on Electricity Transmission (NPSET). As such, Officers suggested the following wording:

*“Non-notification/ service...”*

*In respect of item 34.3.9.6 (proximity to high voltage transmission lines) the written approval of affected persons (other than the transmission line owner) will not be necessary. Notice of applications need will not be served on affected persons and applications need not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited will be considered to be an affected party to any application located within 32 metres of a high voltage transmission line” (Submission 43).*

- Amend Standard 34.6.2.6 to include a control on the mature height of trees/vegetation planted within the vicinity of any transmission line. Officers do not support this request. The National Policy Statement on Electricity Transmission (NPSET) provides Transpower NZ Ltd with the necessary tools to manage vegetation in close proximity to transmission lines. Inclusion of the requested standard would transfer responsibility for monitoring and enforcing the vegetation controls to Wellington City Council, with is neither practical nor desirable. Officers considered that it is more efficient and appropriate for Transpower to retain responsibility for ensuring that vegetation does not impact on the national grid network.
- Amend the Business Areas Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines. Officers considered that there was marginal benefit in including the suggested design guidelines in the Business Areas Design Guide. The majority of the guidelines relate to creation of open space beneath transmission lines and ensuring that new lots can accommodate a building/dwelling outside of the transmission corridor. These matters are most relevant to new ‘greenfield’ subdivisions and less relevant to the integrated design, siting, height, bulk and form assessment covered by the Business Areas Design Guide. Officers considered that some of the suggested guidelines would be appropriately incorporated into the Subdivision Design Guide, but this is beyond the scope of DPC 73.
- Amend the definition of 'Minor Upgrading' to include a greater range of works on the national grid transmission lines. Officers noted that this definition relates to the Utilities chapter, and considered that amendments to this definition fall outside of the scope of DPC 73.

- Amend the planning maps to show the 'transmission corridors' that follow the national grid transmission lines that traverse Wellington. Officers supported this submission on the grounds that it will assist plan users to determine which properties are subject to special controls regarding transmission lines.

**Submitter 43** (Transpower NZ Ltd) spoke to the hearing on the issue of the management of the national grid. The submitter raised concerns regarding the potential for incompatible development to locate within close proximity of the national grid and the on-going implications this had for the maintenance and upgrade of the network. The submitter advised the Committee that mandatory effect must be given to the National Policy Statement for Electricity Transmission, particularly policies 10 and 11. The submitter also reinforced the importance of managing both the effects on, and the effects of transmission. This can be done by using buffer corridors and taking opportunities to design subdivision around the presence of transmission lines. The submitter generally agreed with the recommendations in the Officers' report, but requested the insertion of an advice note regarding vegetation growing in the vicinity of any transmission lines. The submission also requested that the plan include a reference to Transpower's guidelines for development in close proximity to transmission lines, but noted that these were not intended as formal assessment criteria, but rather as an advice note.

The Hearing Committee noted the submitter's comment that they were generally happy with the recommendations put forward by Officers. The Committee agreed with the submitter's request that the plan be amended by adding two cross-references to Transpower's own design guides. This was an appropriate way to make plan users aware of the additional information and as such, agreed to add wording to Standard 34.6.2.8 Chapter 34 as follows:

*Guidance is provided by the Transpower document titled "Guide for Development Near High Voltage Transmission Lines"*

*Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electricity lines.*

*Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting.*

**Submission 85** requested that the Council change the first word of Policy 33.2.9.1, regarding transmission lines, from 'restrict' to 'control'. The submission asserted that land owners should have the right to use their land for social and economic benefits, but that by using the word 'restrict' in Policy 33.2.9.1 is inappropriate and could be interpreted as not allowing the construction of buildings in close proximity to transmission lines, where the adverse effects on these lines are mitigated. The submission considered that other provisions under DPC 73 would ensure that existing transmission line operations are not adversely affected by new development.

The Hearing Committee considered that the current wording of the policy is appropriate, given that the NPSET clearly identifies the national significance of the need to operate, maintain, develop and upgrade the electricity transmission network. The word 'control' implies that some development may be appropriate near high voltage transmission lines, however as Transpower New Zealand Limited will be considered an affected party for any development that does not comply with the standards relating to transmission lines, ultimately, the written approval of Transpower will be required before Council are likely to grant consent to any development that cannot comply with these standards. In addition, if the wording of the policy was amended, Policy 33.2.9.1 would then be inconsistent with similar policies in the Residential and Rural Areas chapters of the District Plan. For these reasons, the Hearing Committee rejected this submission.

### Recommended Decisions

- **Accept** submission 43 insofar as it requested retention of policies, rules and standards relating to transmission lines.
- **Accept** submission 43 insofar as it requested that Transpower be considered as an affected party in relation to Rule 34.3.9.6.
- **Accept in part** submission 43 insofar as it requested the inclusion of standards regarding vegetation within the transmission corridor.
- **Accept in part** submission 43 insofar as it requested additional design guidance for works in the transmission corridor.
- **Accept** submission 43 insofar as it requested that transmission corridors be identified on the Wellington City District Planning maps.
- **Reject** submission 43 insofar as it requested that the definition of ‘minor upgrading’ be amended to include a greater range of works on the national grid transmission lines.
- **Reject** submission 85 insofar as it requested that Council change the first word of Policy 33.2.9.1, regarding transmission lines, from ‘restrict’ to ‘control’.

## **4.19 NON-NOTIFICATION STATEMENTS**

### Submissions

Specific issues raised in submissions include:

- Amendment of non-notification statements in both the Centres and Business Areas chapters (**Submissions 9, 19, 31, 56, 64, 78, 79, 108 and 117**).

### Discussion

The RMA contains a presumption that resource consent applications will be notified unless the applicant can demonstrate that the effects generated by a proposal will be no more than minor. The Act does however provide scope for Council to nominate certain Controlled and Restricted (Discretionary) Activities that do not require public notification (or notice to be served on affected parties) even if the effects are potentially more than minor. In general, Council applies these non-notification (or non-service) statements in situations where a ‘public good’ assessment is being undertaken that does not impact on specific individuals, or when Council is undertaking a specialist, expert assessment that is unlikely to be understood by or have a direct impact on any individual.

It is considered that non-notification statements are generally more appropriate when Council is considering an aspect of an activity that is considered to be generally appropriate for the location, rather than when Council is undertaking a more fundamental assessment as to whether the activity itself is appropriate for the proposed location.

One potential difficulty with notification is that the process can be open to misuse. There have been examples around the country of trade competitors becoming involved in the RMA process, causing delays and increasing the time and cost for all parties. This provides a disincentive to opening up the consent process to third

parties. However Officers noted that the 2009 amendment to the RMA went to some lengths to prevent trade competitors from hi-jacking the consent process.

Officers also noted that the absence of a non-notification clause does not mean that an application would automatically be publicly notified. If the assessment of environmental effects indicates that the proposed activity would have no more than minor effect on the environment then a resource consent application may well be able to be processed on a non-notified basis.

**Submission 9** considered that affected neighbours should always be advised of development on adjoining sites even if it in the form of a courtesy letter. The submission supported Council's current practise of sending courtesy letters to neighbours when resource consents are lodged with Council.

The Hearing Committee agreed that the sending of courtesy letters was a positive initiative, but understood that Council was currently reviewing the practice. The review was the result of legal concerns around the letters, and feedback that the letters can create misunderstanding as to who can take part in the resource consent process. The Hearing Committee noted that they were not in a position to influence the outcomes of the review as part of DPC 73, however noted the support of the submission.

**Submission 19** considered that for significant developments, the developer should be asked to consult with affected residents or a recognised group representing the community. The submission considered that the special circumstances criteria need to be reduced.

**Submission 56** requested that Policies 6.2.3.8 (zone interface), 6.2.3.9 (building heights) and 6.2.5.2 (traffic effects) be strengthened to require the Council to specifically address whether the developer should be asked to consult with affected residents or a recognised group representing the community, and where the concerns of the affected residents are not met, Council to notify the residents via special circumstances.

At the hearing, **submitter 56** (Mt Cook Mobilised – David Smyth) raised concerns at residents' limited ability to participate in consideration of development proposals and for the potential for cross boundary effects of traffic, shading etc. The submitter requested that Council should formally and regularly assess the cumulative impacts of development and surrounding areas.

In response, the Hearing Committee noted that the 'special circumstances' test is embedded in the RMA and its application is defined through case law. It is not possible for Council to alter the thresholds for when special circumstances apply as part of this plan change.

**Submission 108** supported the rules providing for non-notification and service throughout section 7.3. This support was noted and accepted by the Committee.

**Submission 108** sought the addition of a new Standard 7.3.5.5 (construction noise) to the non-notification/service statement. The Committee noted that it is proposed to delete the standard for construction noise; therefore no non-notification statement is required.

**Submission 108** requested the amendment to the references to non-notification / service for Rules 7.3.6, 7.3.7, 34.3.9 as all matters restricted for discretion are more appropriately dealt with by the Council on a non-notified basis. **Further submissions 2 and 13** supported this submission with regard to Rules 7.3.6 and 7.3.7. **Further submission 18** opposed submission 108 in part, and requested that if a non-notification clause is added to Rule 7.3.6.3, there should be an exemption to allow limited notification to the NZTA.

**Submissions 64, 78 and 79** requested that Council amend Rule 7.3.6 to broaden the range of matters covered by the non-notification statement. **Further submission 13** supported these submissions, while **further submission 18** opposed these submissions in part.

Council Officers agreed that all of Rule 7.3.6, which provides for urban design assessments, should be covered by a non-notification statement as this involves a public good assessment. This would also be consistent with the application of urban design rules elsewhere in the Plan.

At the hearing, **submitters 78** (DNZ Property Group Ltd), **64** (Foodstuffs (Wellington) Co-operative Society Ltd) and **79** (Infratil Property Infrastructure Ltd) advised that they endorsed the Officers' recommendation that all matters of Rule 7.3.6 be covered by a non-notification statement to provide for some continuity of certainty in what controls developers should consider.

The Hearing Committee agreed with the reasons provided by Council Officers' recommendations to apply a non-notification statement to Rule 7.3.6.

The Hearing Committee did not agree with the amendments sought by **submission 108** to the non-notification statements for Rules 7.3.7 and 34.3.9. These rules cover buildings and structures that do not comply with the standards specified in the plan. If these breaches were to generate a significant impact on an adjoining property the Committee was of the view that it would be appropriate that there is scope to include the owner of the land in the consent process.

**Submission 64** sought an amendment to the non-notification clauses associated with Rule 7.3.7 so that the consideration of breaches of the street frontage and display window provisions are subject to the non-notification statement. **Further submission 13** supported this submission. As these matters are covered by a non-notification statement in the Central Area the Hearing Committee supported this submission for consistency, and because they related primarily to technical urban design matters.

**Submission 117** sought amendments to the non-notification/service provisions of Rules 7.3.1, 7.3.5, 7.3.10, 7.3.12, 34.3.1, 34.3.4, 34.3.12 and 34.3.13 to provide for NZTA as an affected party when a breach of site access and parking standards would adversely impact on the state highway network. **Further submission 18** partially opposed this submission. Officers agreed in part, but recommended that NZTA only be considered to be an affected party to any application that involves a site that fronts a state highway.

**Submitter 117** (NZTA) spoke to the hearing and requested that Council amend the notification statements associated to works near a state highway by replacing the term 'will' with 'may' in the following phrase: 'NZTA *will* be considered to be an affected party'. The submitter considered that this was an appropriate middle ground that would give Council Officers the discretion to consider NZTA to be an affected party to proposals that were located on a site that did not directly front a state highway, but which may generate effects that could adversely impact on the highway network.

The Hearing Committee agreed that the amended wording represented a practical solution to this issue. In agreeing to the requested change the Committee noted the legal advice supplied by Officers which indicated that there was no barrier to including the term 'may' within a non-notification statement.

**Submission 78** requested that Rule 7.3.4, which deals with integrated retail developments over 20,000 sq.m in size, be amended so that any such development in the sub-regional centre of Johnsonville and Kilbirnie are covered by a non-

notification statement. **Further submission 13** supported this submission. **Further submission 18** opposed submission 78 in part.

Council Officers did not support **submission 78** on the basis that an integrated retail development in Johnsonville or Kilbirnie could still have a significant adverse effect on the viability and vitality of the Golden Mile, in which case notification of an application may be justified.

At the hearing, Alistair Aburn, on behalf of submitter 78, advised that with regard to Rule 7.3.4, only Rule 7.3.4.1, relating to the cumulative effects on the viability and vitality of the Golden Mile, would be of concern to the submitter therefore it would be possible to split off the rules in terms of non-notifications clauses.

The Hearing Committee considered the submission, however agreed with the Officers' recommendation and reasoning to retain the ability to notify an application, if required.

**Submission 31** requested that the non-notification statements that are associated with the following rules be amended to ensure they are consistent with recent amendments to the RMA:

Centres: Rules 7.2.1, 7.2.2, 7.2.3, 7.3.1, 7.3.2, 7.3.3, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13 and 7.3.14

Business Areas: Rules 34.2.1, 34.2.2, 34.2.3, 34.3.1, 34.3.2, 34.3.3, 34.3.4, 34.3.5, 34.3.6, 34.3.9, 34.3.10 and 34.3.11

**Further submission 13** supported this submission. The Committee supported this submission on the grounds that the 2009 amendment to the RMA has resulted in the need to make minor wording changes to the existing non-notification statement contained in the plan. These wording changes do not alter the intent or application of the statements, but are required to bring the statements into line with the new wording of the Act. The revised wording is shown below:

**Non-notification**

In respect of rule X applications will not be publicly notified (unless special circumstances exist) or limited notified.

**Recommended Decisions**

- **Note** submission 9 insofar as it supports Council's current practise of sending courtesy letters to neighbours.
- **Reject** submissions 19 and 56 insofar as they request that Council amend the threshold for the application of special circumstances.
- **Accept** submission 108 insofar as it generally supports the use of non-notification statements in section 7.3.
- **Accept** submissions 64, 78 79 and 108 insofar as they request expansion of the non-notification statement applying to Rule 7.3.6.
- **Reject** submission 108 insofar as it requests amendments to the non-notification statements for Rules 7.3.7 and 34.3.9
- **Accept** submission 64 insofar as it seeks an amendment to the non-notification clauses associated with Rule 7.3.7 so that it covers the consideration of breaches of the street frontage and display window provisions.

- **Accept in part** submission 117 insofar as it proposes to consider NZTA an affected party to any breach of the access and parking standards under Rules 7.3.1, 7.3.5, 7.3.10, 7.3.12, 34.3.1, 34.3.4, 34.3.12 and 34.3.13.
- **Reject** submission 78 insofar as it requests a non-notification in Rule 7.3.4 to cover integrated retail developments in Johnsonville and Kilbirnie.
- **Accept** submission 31 insofar as it requests that the non-notification statements be updated to reflect recent amendments to the RMA.

#### **4.20 PUBLIC LAND**

##### Submissions

Specific issues raised in submissions include:

- One submission considered that there should be no privatisation of public land without the consent of citizens and that buildings on paper roads should be demolished at the owners cost, and the land made good by re-planting etc. the submission also considered that there needs to be a new rule to guide those considering the monitoring and use of shared spaces, and redesignation of any public space should be at the cost of the proposer (**Submission 9**).

##### Discussion

**Submission 9** raised concerns regarding the privatisation of public land, particularly the construction of buildings on paper roads. The Committee noted that at present any building or structure on legal road requires both resource consent and an encroachment license from Council. The resource consent allows consideration of design, amenity protection, visual character in coastal areas, and safety.

While the Committee could appreciate the submitter's concerns, they did not think that it is practical to increase the level of regulation for buildings on legal road. Given Wellington's challenging topography it is not always possible to locate private buildings (particularly garages and car decks) on the site to which they relate. The Committee concluded that the current plan provisions provide an appropriate assessment process.

##### Recommended Decisions

- **Reject** submission 9 insofar as it requested stronger controls for new buildings and structures on public land.

#### **4.21 TANGATA WHENUA**

##### Submissions

Specific issues raised in submissions include:

- Supported the recognition of Te Tiriti o Waitangi through special provision for tangata whenua involvement in decision making, including a respect for Maori cultural values and specific consultation (**Submission 118**).



## Discussion

The Committee accepted the support of **submission 118**.

## Recommended Decision

- **Accept** submission 118 insofar as it supported the recognition of Te Tiriti o Waitangi through special provision for tangata whenua involvement in decision making, including a respect for Maori cultural values and specific consultation.

## **4.22 OTHER**

### Submissions

Specific issues raised in submissions include:

- That minor typos be amended to clarify the intent of the provisions (**Submission 83**).
- Include reference to “Business Areas” on page 3/3 of Chapter 3 (**Submission 22**).
- That the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district (**Submission 65**).
- Balancing the economic impact of any new or refurbished centres should be seen as an imperative (**Submission 9**).
- The District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions (**Submission 9**).
- The cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought (**Submission 19**).
- Amend Standard 34.6.5.3.3 to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting (**Submission 5**).
- Rewrite Standards 7.6.1.10.1 and 7.6.1.10.8 into one standard (**Submission 55**).
- Remove the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas (**Submission 109**).
- Definitions should be written in plain English (**Submission 9**).
- Appropriate definitions to clarify the effect of the rules (**Submission 57**).
- **Submissions 19** and **56** request that the Council review the effects of the operation of the District Plan every three years and that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects.
- **Submission 56** also requested that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved.

## Discussion

**Submission 83** sought that minor typos be amended to clarify the intent of the provisions, including the margin notes of Rules 7.3.6 and 7.3.7 where they refer to rule numbers. **Submission 82** requested that the rules table for Chapter 7 be corrected to refer to the correct rule number. The Committee accepted these submissions insofar as they requested minor corrections.

**Submission 22** requested the inclusion of a reference to “Business Areas” on page 3/3 of Chapter 3. The Hearing Committee accepted this submission as the provision referred to in the submission (i.e. ‘applying for any consents you need’) also applies to Business Areas.

**Submission 65** requested that the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district. The Hearing Committee acknowledged the importance of Brooklyn as a thoroughfare for traffic in and out of the central business district, however considered specific consideration of the suburb of Brooklyn in the plan provisions unnecessary. Brooklyn centre is covered by the plan provisions and transport issues already form one of the factors that must be considered when assessing consent applications. Objective 6.2.5 specifically addresses access and transport, and this objective is supported by a series of policies to ensure that transport-related impacts of proposed new development are adequately considered.

**Submission 9** considered that balancing the economic impact of any new or refurbished centres should be seen as an imperative. The Hearing Committee agreed that this is an important consideration in assessing applications for new development/ redevelopment in Centres and noted that the Centres Policy recognises the economic importance of Centres and the importance of supporting and encouraging their vitality. One of the key aims of the plan change is to encourage well performing, attractive centres that provide for a range of goods, services and facilities to meet the needs of local communities. The Hearing Committee therefore considered that the current plan change provisions adequately recognise and provide for this and that further recognition is unnecessary.

**Submission 9** also stated that the District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions. Simple current guides listing some of the hurdles to seeking and challenging consents should be readily available.

The Hearing Committee acknowledged the issue raised and the need for readily available information to assist consent applicants and noted that there is an existing summary guide to the District Plan which provides guidance to the public on how to understand and interpret the plan. In addition, the rule tables included at the beginning of the “Rules” chapters provide a useful summary of activities, clearly indicating whether the activity is a permitted activity or requires consent. Information on the plan, as well as how to lodge a submission, is currently available from Council offices, service centres and website. The Hearing Committee considered it appropriate for the development of any new guidance material to be included as part of the considerations of the upcoming 10 yearly review of the plan.

**Submissions 19** and **56** considered that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought. The Hearing Committee acknowledged the issue but noted that the difficulty is the practical one of obtaining information about current and planned developments, which may or may not go ahead. This would create a large degree of uncertainty in processing any application. The Committee therefore did not support these submissions.

**Submission 5** requested an amendment to Standard 34.6.5.3.3 to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting. The Hearing Committee accepted this submission as the property is located in proximity to Kiwi Point Quarry.

**Submission 55** requested that Standards 7.6.1.10.1 and 7.6.1.10.8, regarding the screening of activities, be rewritten into one standard. The Hearing Committee assumed that the Standards referred to by this submission were 7.6.1.10.1 and 7.6.1.10.2 (not 7.6.1.10.8, as this does not exist). These standards are consistent with the screening standards in the operative plan, as well as more recent plan changes such as Plan Change 48. The submission was therefore not supported by the Committee.

**Submission 109** sought the removal of the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas which states:

*“Because of the industrial nature of the activities in such areas, lower levels of amenity are acceptable compared with other areas in the city.”*

The submission asserted that “this sentence gives the impression that Council employees and society generally do not care for amenity in workplaces.”

**Submitter 109** (Claire Bibby on behalf of Glenside Progressives Association) spoke to this matter at the hearing, raising concerns about this sentence in relation to Glenside. The submitter asserted that Glenside is a mixed use area containing a café, garden centre and ninety-two residential apartments, and has a different rather than a lower level of amenity than the inner City.

Whilst the Committee acknowledged the concerns of the submitter, it agreed with Officers’ recommendations that one of the basic principles behind the Plan is to ensure appropriate kinds of development take place in appropriate places. Inherent in this principle is the notion that some areas will have higher levels of amenity than others. Removing this bullet point would have the effect of diluting this principle, and was therefore not supported by the Committee.

**Submission 9** requested that definitions in the plan be written in plain English. The Hearing Committee noted that while Officers endeavour to write definitions in plain English that are easy to understand, sometimes this was not possible due to the technical nature of the subject matter, and the need for definitions to be as clear, accurate and unambiguous as possible.

**Submission 57** requested appropriate definitions to clarify the effect of the rules. The Hearing Committee considered that the proposed new definitions relating to retail activities are appropriate and relevant to give effect to the rules.

**Submissions 19** and **56** requested that the Council review the effects of the operation of the District Plan every three years. The Resource Management Act requires the District Plan to be reviewed at least every 10 years, but the Act also provides that the Council can commence a full review of the plan at any time. These provisions provide the Council with flexibility to be able to review the plan provisions as and when the need arises. Reviewing the plan and the effects of its operation every three years would be very time and resource intensive. A more flexible review approach is preferred, and for these reasons, the Hearing Committee did not support the submission.

**Submission 56** also requested that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved. Under the Resource Management Act, the Council is required to review the District Plan at least every 10 years. This includes assessing the effectiveness of the plans policies and rules. Including a special requirement in the plan in relation to the specified policies

and rules would be inconsistent with the approach adopted in remainder of the plan and therefore the submission was not supported by the Committee.

**Submission 117** supported Policy 33.2.3.2 relating to the use of concept plans to allow integration of land use and transport, rather than gradual development of an area on an ad-hoc basis. The support of this policy was noted and accepted by the Committee.

### Recommended Decisions

- **Accept** submissions 82 and 83 insofar as they seek minor typos to be amended to clarify the intent and accuracy of the plan provisions.
- **Accept** submission 22 insofar as it seeks the inclusion of a reference to “Business Areas” on page 3/3 of Chapter 3.
- **Reject** submission 65 insofar as it requests that the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district.
- **Note** submission 9 insofar as it considers that balancing the economic impact of any new or refurbished centres should be seen as an imperative.
- **Note** submission 9 insofar as it considers that the District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions.
- **Reject** submissions 19 and 56 insofar as they request that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought.
- **Accept** submission 5 insofar as it seeks that Standard 34.6.5.3.3 be amended to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting.
- **Reject** submission 55 insofar as it requests that Standards 7.6.1.10.1 and 7.6.1.10.8, relating to the screening of activities, be rewritten into one standard.
- **Reject** submission 109 insofar as it requests the removal of the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas.
- **Note** submission 57 insofar as it requests appropriate definitions to clarify the effect of the rules.
- **Note** submission 9 insofar as it requests that definitions be written in plain English.
- **Reject** submissions 19 and 56 insofar as they request that the Council review the effects of the operation of the District Plan every three years.
- **Reject** submission 56 insofar as it requests that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved.
- **Note** submission 117 insofar as it supports Policy 33.2.3.2 relating to the use of concept plans to allow integration of land use and transport, rather than gradual development of an area on an ad-hoc basis.

## 5. RMA CONSIDERATIONS

In formulating and arriving at a recommendation on the proposed DPC 73, the Committee is required to take account of the provisions of section 74 of the Act, including the following matters of relevance:

- the extent to which DPC 73 achieves the purpose and principles of the Act (Part 2);
- consideration of the Council's functions as set out in Section 31;
- the extent to which DPC 73 is necessary in terms of Section 32 and is the most effective and efficient means of achieving the desired outcome;
- the extent to which the proposed plan change is consistent with the Regional Policy Statement and any Regional Plans;
- the extent to which the proposed plan change is consistent with the any National Policy Statements and the New Zealand Coastal Policy Statement;
- the extent to which DPC 73 is consistent with the District Plan.

The Council also has an obligation under s10(1), Schedule 1, Part 1, to consider (and make a decision on) the submissions and further submissions received on the proposed plan change. An assessment of how DPC 73 deals with any adverse effects on the environment is also required.

The Committee noted that proposed DPC 73 could only be endorsed (taking in account Council's responsibilities under s32 of the RMA) if they were satisfied that provisions proposed would better meet the requirements of the RMA and the objectives of the District Plan.

In making its recommendation, the Committee was also mindful of its responsibilities set out under the Resource Management Act, 1991 (RMA), in particular the requirement to promote the sustainable management of natural and physical resource (section 5). The Committee acknowledged the additional obligations under sections 6, 7 and 8 of the Act, in particular:

- *Section 6*
  - (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, waahi tapu, and other taonga:*
  - (f) *The protection of historic heritage from inappropriate subdivision, use and development:*
- *Section 7*
  - (b) *The efficient use and development of natural and physical resources:*
  - (b) *The efficiency of the end use of energy:*
  - (c) *The maintenance and enhancement of amenity values:*
  - (f) *The maintenance and enhancement of the quality of the environment:*
  - (g) *Any finite characteristics of natural and physical resources:*
  - (j) *The benefits to be derived from the use and development of renewable energy:*

In terms of the preceding statutory requirements, the findings of the Committee can be summarised as follows:

- (a) The Committee noted that the review of the Suburban Centres chapters had been appropriately guided by those provisions of the RMA, in tandem with the Council's strategic policy framework, and also reflected the results of the District Plan monitoring programme (as required by section 35 of the RMA).
- (b) In respect of the monitoring work carried out, the Committee agreed that the philosophies underpinning the operative plan provisions dealing with suburban centres remained generally sound. These included a strong commitment to achieve high quality urban design outcomes and providing a 'one zone for all', effects based approach to managing activities in the localities zoned as Suburban Centre have, as a general rule, thrived under those philosophies and the Committee's approach in considering submissions was to ensure that the revised provisions would further enhance the vibrant and dynamic nature of the localities to be rezoned either Centres or Business.
- (c) The Committee also agreed with Officers that monitoring results indicated that some of the Operative District Plan provisions had not been as effective as anticipated in terms of managing adverse effects on the (former) Suburban Centres Area environment. Plan Change 73 represented the Council's response to those findings.

Having found that the philosophy and general approach of DPC 73 accords with sound resource management theory and practice, the Committee turned its attention to the Objectives, Policies and Rules of the plan change as follows:

- (a) Mindful of its obligations under s32, the Committee considered that the objectives notified in Plan Change 73 are the most appropriate way to achieve purpose of Act and for this reason the Committee only made minor fine-grained changes to the proposed objectives.
- (b) The Committee did make some changes to the policies and methods (rules and standards) however, in order to ensure that they were the most appropriate and effective way to achieve the objectives. The changes, made in response to submissions, generally sought to improve clarity of the intended approach (in respect of the objectives and policies) and allow for flexibility in the application of the rules and standards.

In this respect, the revised Plan Change 73 provisions (as a result of this decision) represent a refinement of the approach adopted by the Operative District Plan. Although there are changes to specific provisions, the basic philosophy regarding the management of the former suburban centres area (now Centres and Business Areas) environment remained unchanged.

In regard to Section 32, which is the driving force behind any plan change, the Committee notes that the Council prepared an assessment prior to the notification of the proposed DPC 73 in accordance with the requirements of s32(1)(c). Prior to issuing its decision under Clause 10, the Council must also undertake a further evaluation under s32 (2) (a). In this respect, the content of the Committee's report should be regarded as this further evaluation, with the focus being on how to most effectively address matters raised by submitters.

Overall, the Committee therefore concludes that DPC 73 has been considered under, and accords with, Sections 31, 32 and 74 and Part 2 in that it achieves the Objectives of the District Plan and the sustainable management purposes of the Act.

## **6. CONCLUSION**

Proposed District Plan Change 73 (DPC 73) is a full review of the Suburban Centres chapters of the District Plan. It builds on the provisions of the operative District Plan and incorporates Council's current strategic and policy directions. It includes the following key changes:

- splitting the current Suburban Centre zone into two new zones, Centres and Business Areas, to recognise their differing roles, and better manage the activities that locate in these areas
- increased policy guidance regarding urban design and the management of retail activities
- the introduction of a new design guide for Centres and Business Areas to help improve the quality of new development
- rezoning of some parcels of land to better reflect existing uses
- amendments to other policies, rules, definitions and planning maps to improve the effectiveness of the Plan.

132 submissions and 18 further submissions were received on the plan change. All matters raised in submissions have been considered in this report to the Hearing Committee.

A wide range of amendments are recommended in response to submissions received, but in the main these are suggested to fine tune and provisions and to clarify the existing aims of the Plan Change.

The Committee consider that the philosophy guiding DPC 73 remains valid, so no substantial changes are recommended to the core elements of the plan change. It is not considered that any of the recommended changes are so significant so as to undermine the intent of Plan Change 73 as notified.

In conclusion, the Hearing Committee was satisfied that the provisions of Plan Change 73 strike an appropriate balance between facilitating new development within Centres and Business Areas, whilst ensuring that the development maintains and enhances amenity values associated with the public environment, respected recognised heritage values, encouraged sustainable building design, built on the vibrancy of the Centres and significantly enhanced the community's sense of place.

*Chair: Alick Shaw*

*Plan Change 73 Hearing Committee*

## Appendix 2: List of Submitters and Further Submitters

### Submissions were received from:

Submitter Number	Submitter Name
1	Mr & Mrs Trang
2	Perry Lark
3	Bernard O'Shaughnessy
4	Dale Mary McTavish
5	Stuart Haselden
6	Paul Smart
7	Lloyd Spackman
8	Peter Cox
9	Rosamund Averton
10	Rowan Lewis Hatch and Suzanne Helen Hatch
11	Paul Buckrell
12	Dale Gibbs
13	Antipodean Properties Ltd (Kilbirnie)
14	Antipodean Properties Ltd (Johnsonville)
15	Lincoln Butler
16	Graham and Margaret Webb
17	George Symmes
18	Susan Cockayne and David Robinson
19	Brent Cherry
20	Veronica Challies
21	Robert Hopkins
22	CentrePort Ltd
23	Astrid van Meeuwen-Dijkgraaf
24	Nigel and Beverley Frederikson
25	Chris Kirk-Burnnand
26	Shell New Zealand Ltd
27	Ross and Cristina Quidilla
28	Karori Baptist Church
29	Mark Kirk-Burnnand
30	Kalpana Vallabh Patel
31	Wellington City Council
32	Ngaio Progressive Association
33	The Karori Community Center (INC)
34	Rotary Club of Karori
35	Raewyn and Paul Williams
36	Gordon Purdie
37	Judith and Murray Harrison
38	Prof. Brian and Dr Margaret Patricia Halton
39	Armagh 4 Ltd
40	Vera Gallagher
41	WIAL Air Noise Management Committee
42	Wellington International Airport Ltd
43	Transpower New Zealand Limited
44	Barry Stuart R. Millage
45	Dr Joan Mosley
46	Helen Lockyer



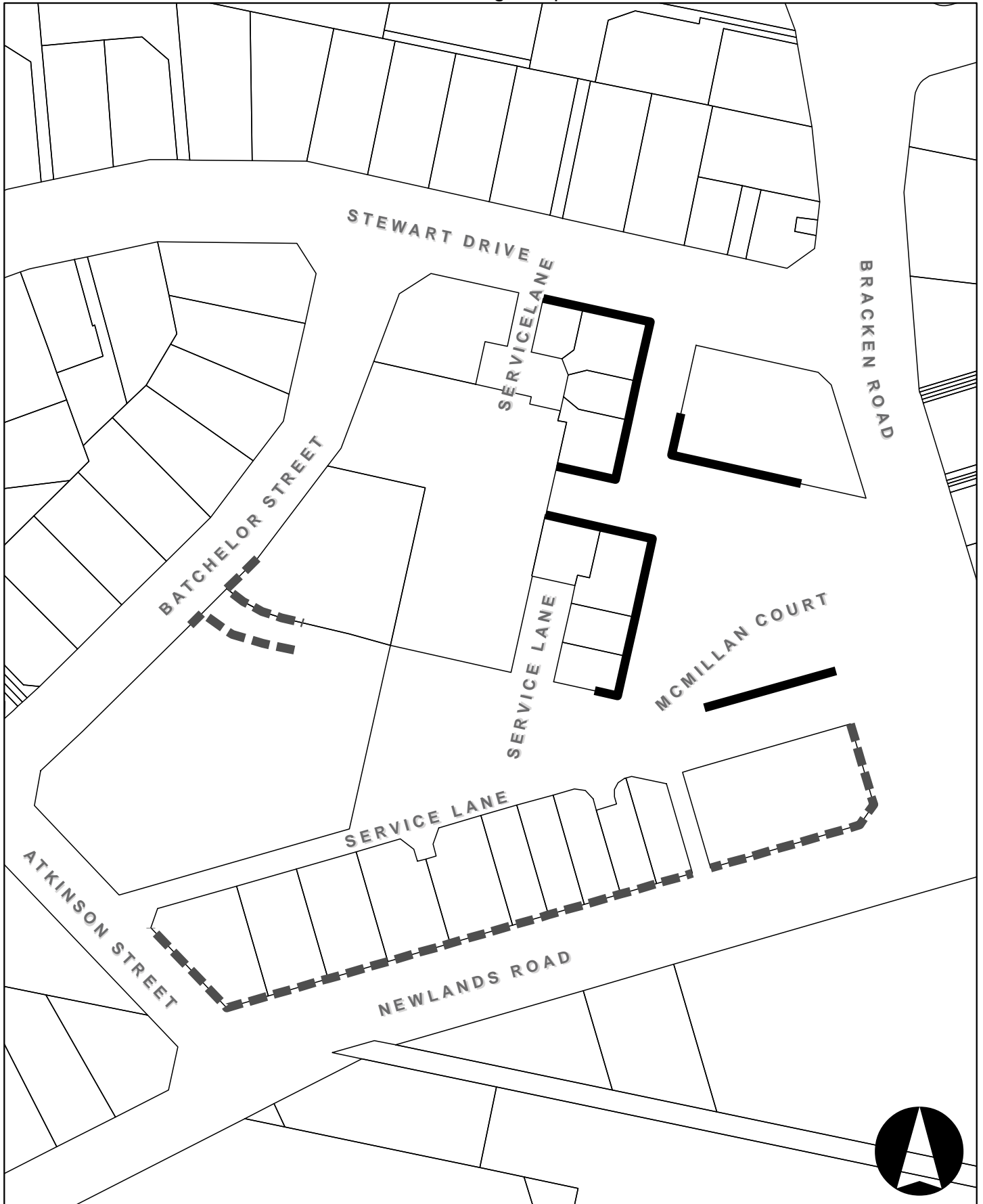
47	Spiro and Helen Viatos
48	Edith and Clive Robinson
49	Susan and Gavin Weeks
50	Richard Rodney Ottaway
51	Helen and Dan Coffey
52	Cliff and Sandra Daly
53	Takapu Island Development Ltd
54	Armstrong Jones Management PTY Limited
55	Cardno TCB Ltd
56	Mt Cook Mobilised
57	Market Gardeners Ltd (Group of Companies)
58	Marsden Village Association Inc
59	Cockburn Architects Ltd
60	Bhikha Family Trust
61	Kiwi Property Holdings Limited
62	Ken and Rose Rigarlsford
63	Mrs Patricia Blackmore
64	Foodstuffs (Wellington) Co-operative Society Ltd
65	Bernard Te Uira (Bernie) Harris
66	Whispering Pines Estate Ltd
67	Stafford Property Investments Ltd
68	Total Property Company Ltd
69	Pelican Investments Ltd
70	Ngauranga Property Investments Ltd
71	Nazko Properties Limited
72	Goldsborough Property Investments Ltd
73	Denali Properties ltd
74	Pipeline Towers Limited
75	Westland Property Investments Ltd
76	Bunnings Limited
77	Strathmore Park Progressive & Beautifying Assoc.
78	DNZ Property Group Limited
79	Infratil Property Infrastructure Limited
80	Peng Hui Lim
81	Department of the Prime Minister & Cabinet
82	Hunters Hill Ltd
83	NZ Historic Places Trust
84	ING Property Trust No 1. Ltd (ING)
85	PrimeProperty Group (PPG)
86	Suman and Laxmi Parbhu
87	D and B Parbhu
88	Dianne Purdie
89	Beverley Jane Olive Evans
90	Staffan Gustavsson
91	David Neil Crabbe
92	Kathleen Sybil Mitchell
93	Roland Sapsford
94	Su-Wuen Ong
95	Jill and Graham Glover
96	John Carrick Harward
97	Graeme Smith
98	Greg and Pam Hoggard
99	Wivian Agneta Buckrell

100	Glen and Francesca Wright
101	Showground Properties Limited
102	Malcolm Hunt Associates
103	McDonald's Restaurants (New Zealand) Limited
104	Mark Sherriff and Karen Ming-Wong
105	Ben and Sarah Spencer
106	Wellington Chinese Baptist Church
107	Joy Elizabeth Luhman
108	Progressive Enterprises Limited
109	Glenside Progressive Association
110	Porirua City Council
111	Hylamn Holdings Limited
112	Gillian Bain and Dave Hames
113	Simon McLellan
114	Wellington Regional Chamber of Commerce
115	Living Streets Wellington
116	Paula Warren
117	NZ Transport Agency
118	Ann Louise Mitcalfe and Alexander Mitcalfe Wilson
119	Tony James Randle
120	George Bellhouse
121	Rob Olgivie and Michelle Lawrence
122	Roger Douglas Hay
123	Jean Chapman
124	Iqbal Manzoor Haque and Cara Nancibel Haque
125	Zaheda and Chris Davies
126	Paul Hunt
127	Angela Taylor
128	Diana Kincaid Dallas
129	Andrea Bland
130	Kay Hukins
131	Greater Wellington Regional Council
132	John Pavan

**Further submissions were received from:**

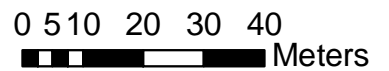
<b>Submitter Number</b>	<b>Submitter Name</b>
FS1	Progressive Enterprise Limited
FS2	Shell New Zealand Ltd
FS3	Sarah & Ben Spencer
FS4	Dorothy Joan & Anthony Noel Faircloth
FS5	Karori Community Hall Trust
FS6	Kiwi Property Holdings Ltd
FS7	Paulemas Properties Ltd
FS8	Christabella Boardman
FS9	DNZ Property Group Limited ("DNZ")
FS10	Barry John Lonergan
FS11	McDonald's Restaurants (New Zealand) Ltd
FS12	Wellington International Airport Limited (WIAL)
FS13	Antipodean Properties Ltd (Johnsonville)
FS14	Armstrong Jones Management PTY Limited
FS15	A Gibson

FS16	Tony Randle
FS17	Board of Airline Representatives Inc (“BARNZ”)
FS18	New Zealand Transport Agency (NZTA)

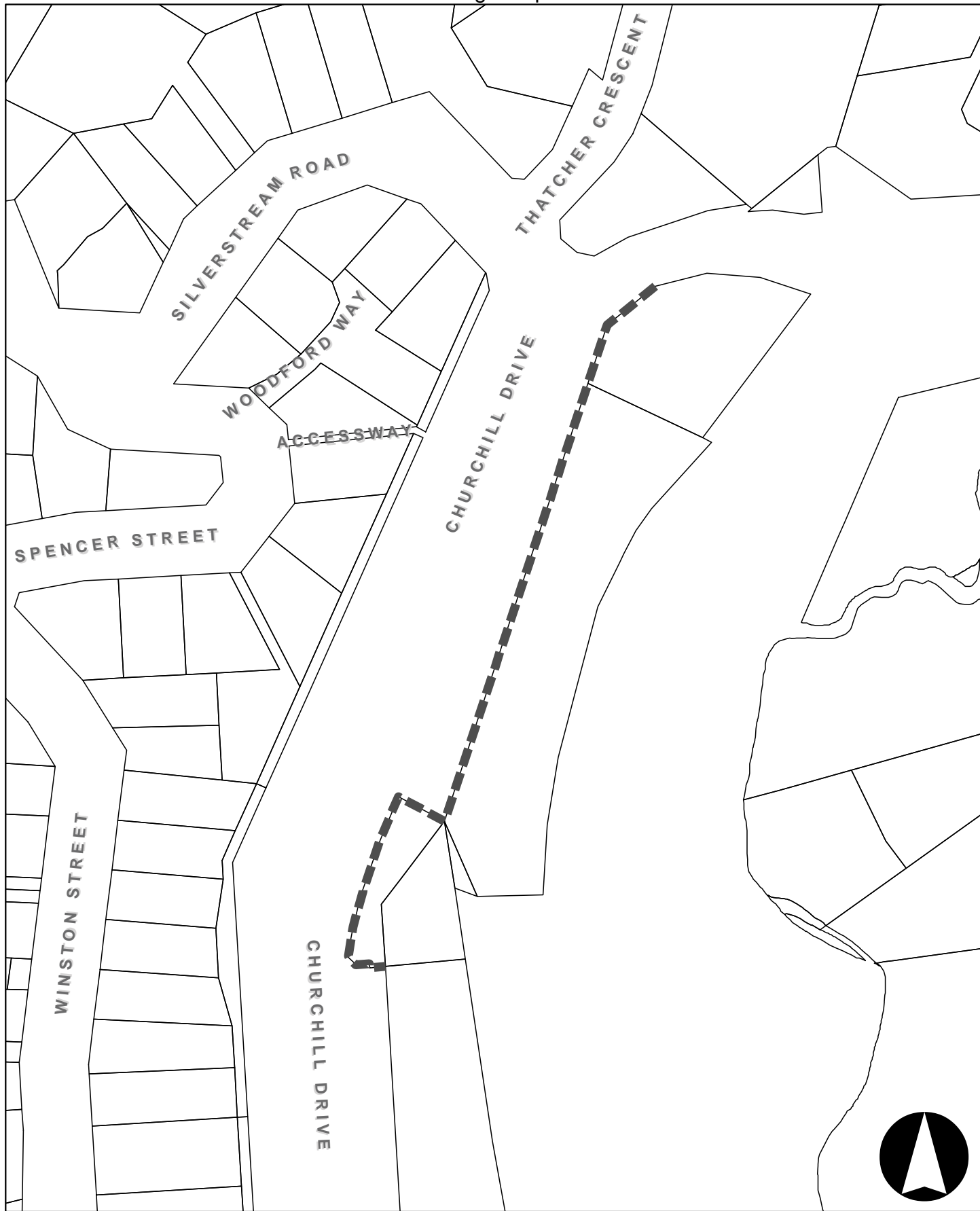


**Proposed Frontages**

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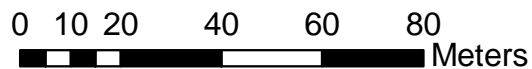


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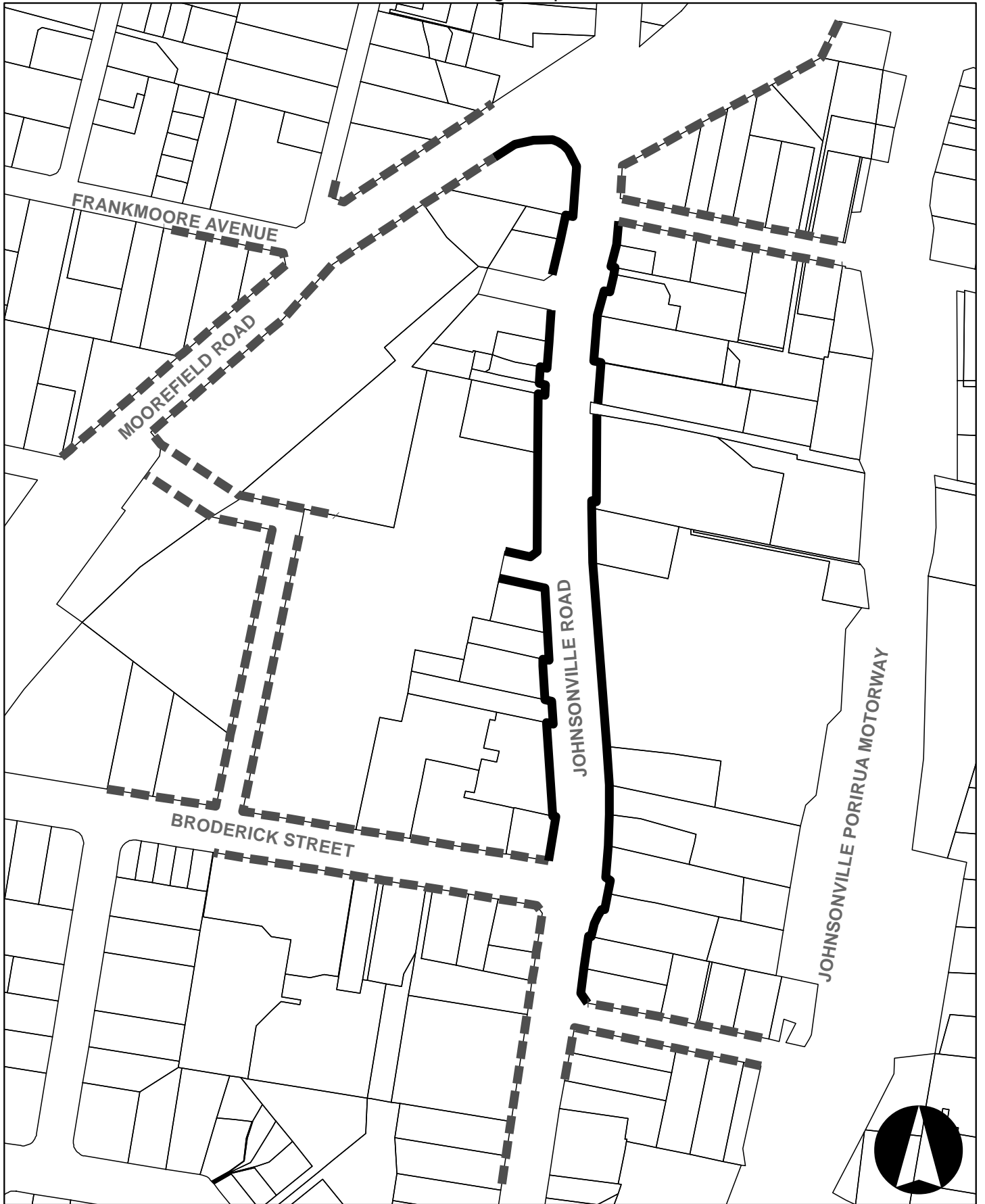
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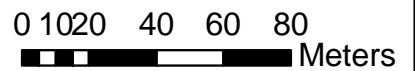


Decision on Johnsonville  
Frontage Map



**Proposed Frontages**

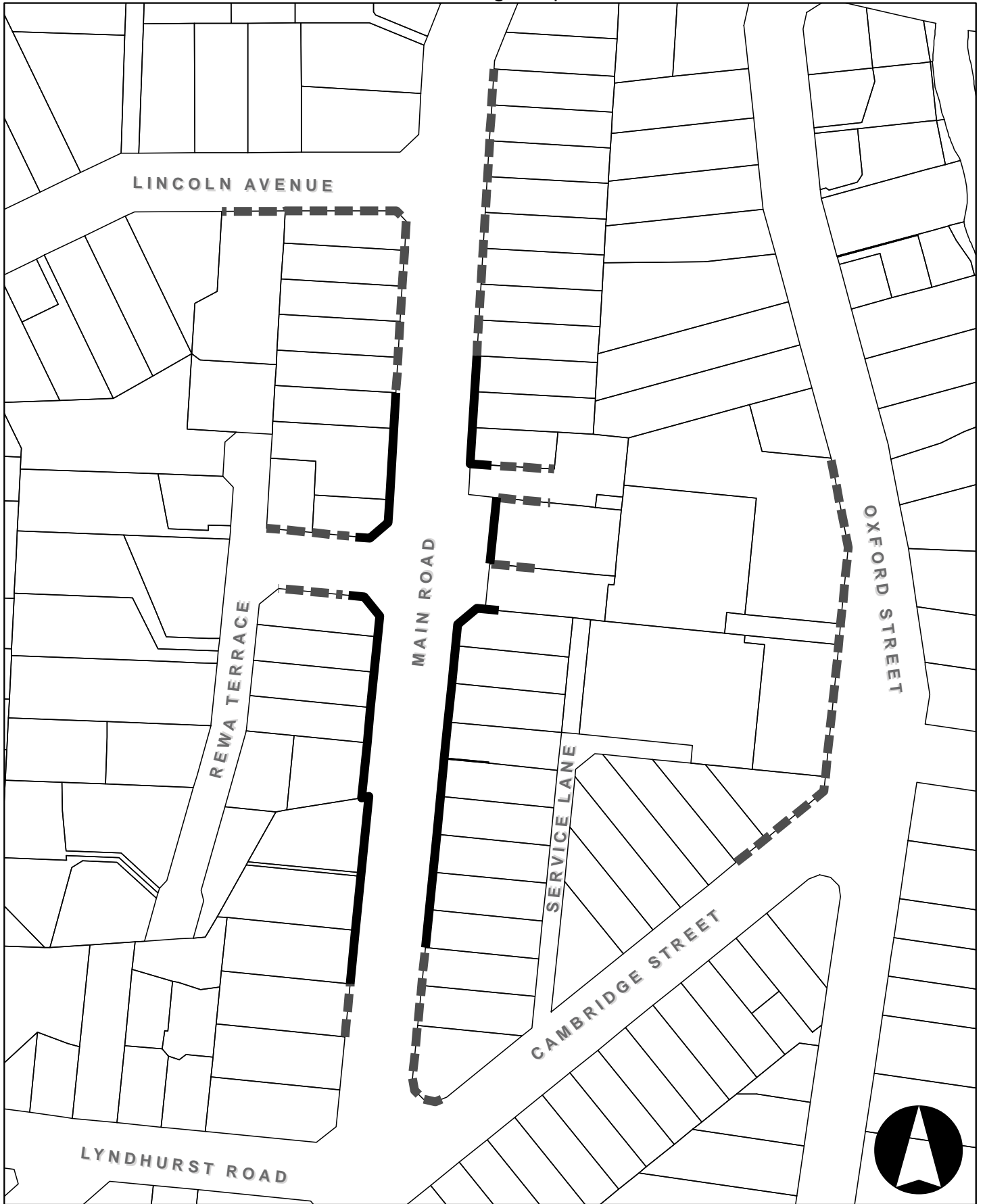
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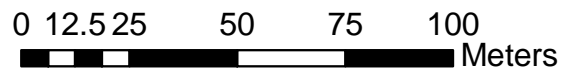


Decision on Tawa  
Frontage Map

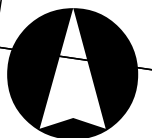


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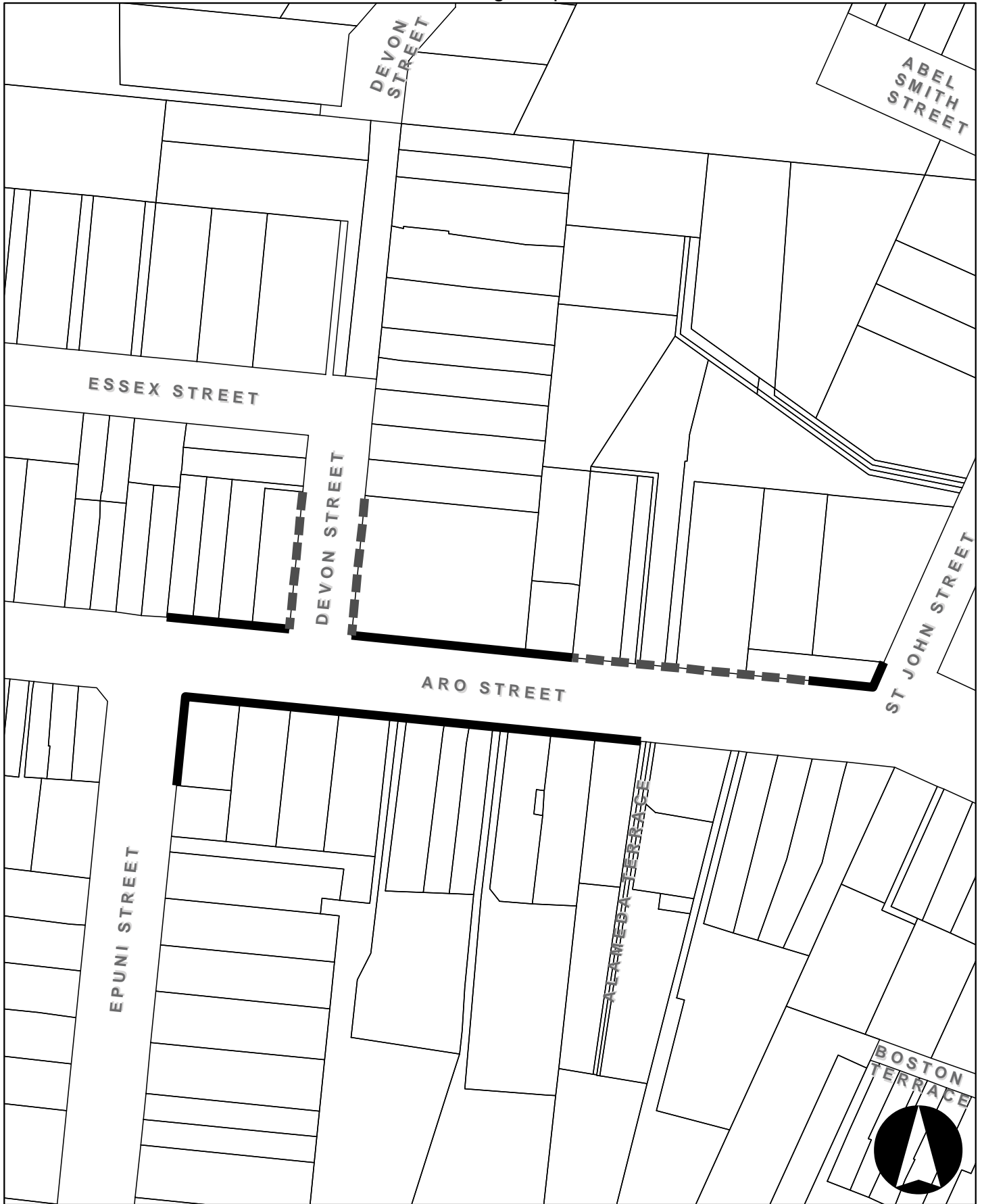
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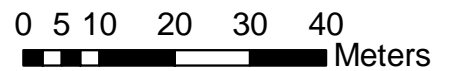


Decision on Tawa  
Frontage Map



**Proposed Frontages**

- Primary
- - - Secondary



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


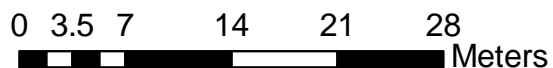
# District Plan Change 73 Suburban Centres Review

(Decision on 68-82 Aro Street, Aro Valley)

Amendment to Planning Map 16



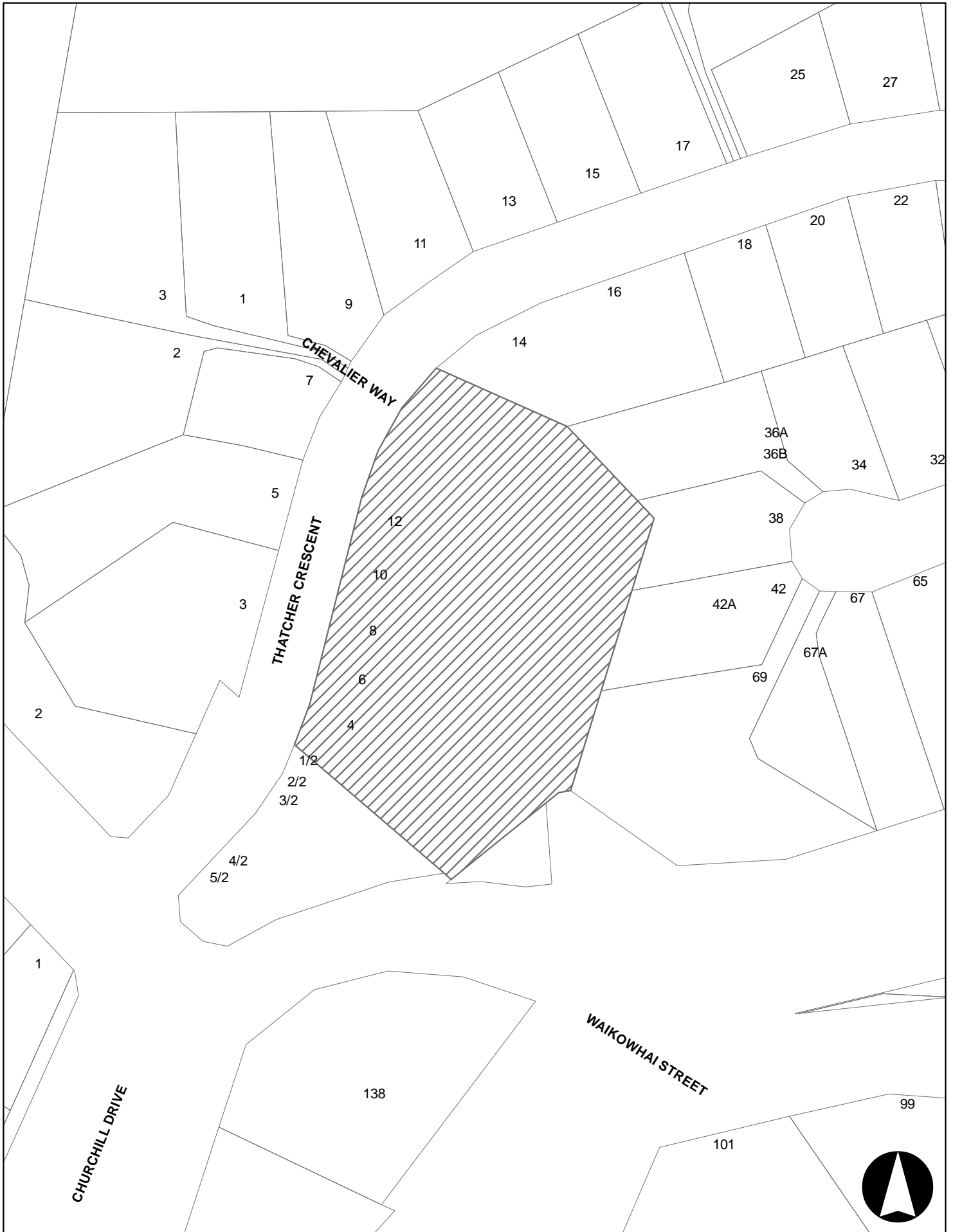
 Land notified as Outer Residential to be rezoned Centre




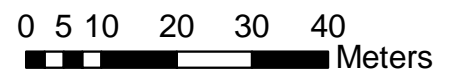
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**District Plan Change 73 Suburban Centres Review**  
Decision on 4 Thatcher Crescent, Crofton Downs (Williams Garden Centre)  
Amendment to Planning Map 21



 Land notified as Centre to be rezoned Outer Residential

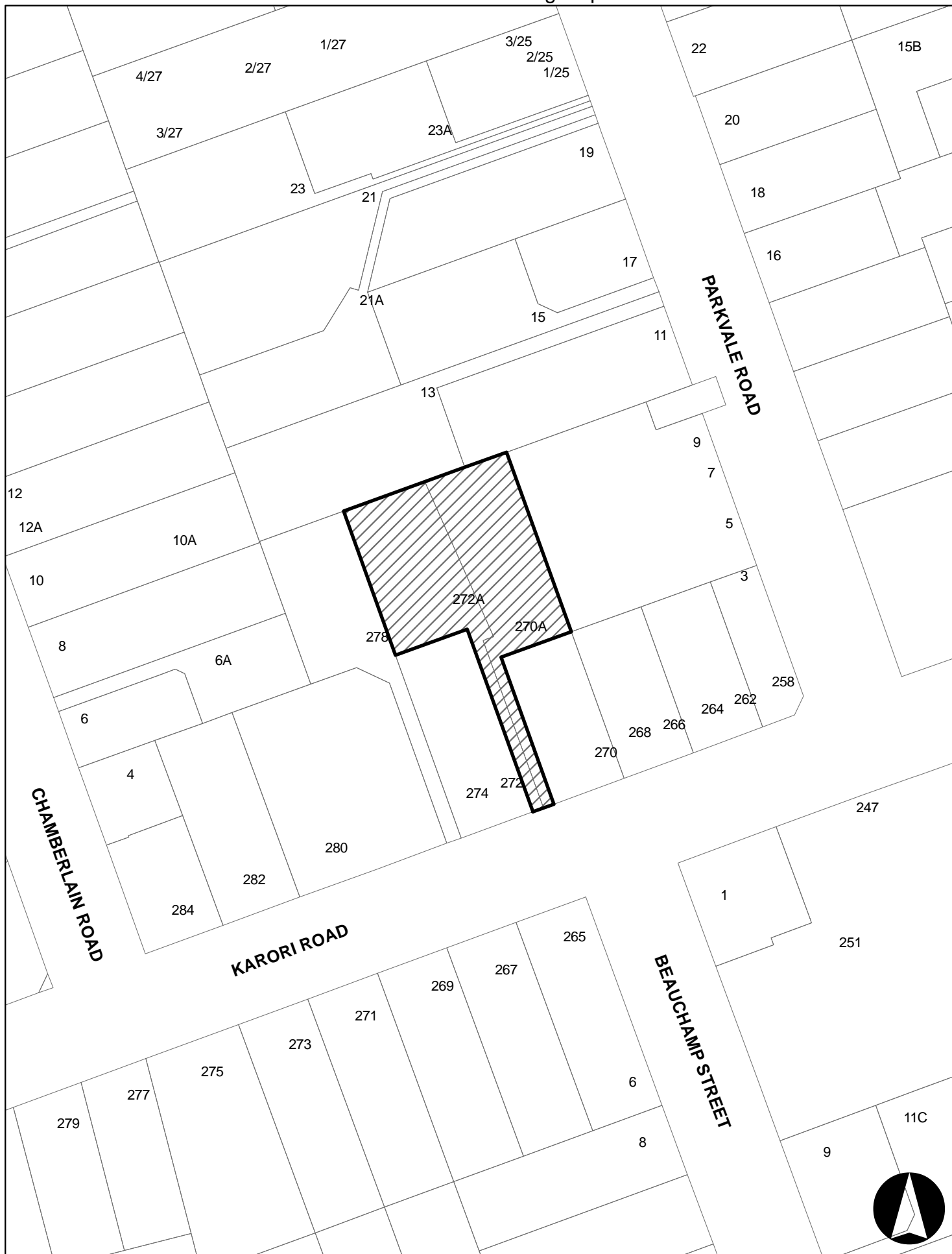



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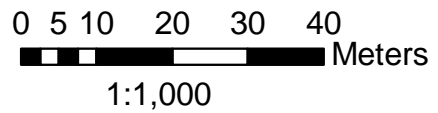
# District Plan Change 73 Suburban Centres Review

Decision on 270A, 272A and 272B Karori Road

Amendment to Planning Map 11



 Land notified as Centre to be rezoned Outer Residential




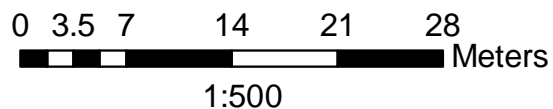
# District Plan Change 73 Suburban Centre Review

Decision on 76-78 and 80-84 Constable Street, Newtown  
Amendment to Planning Map 6



 Centre

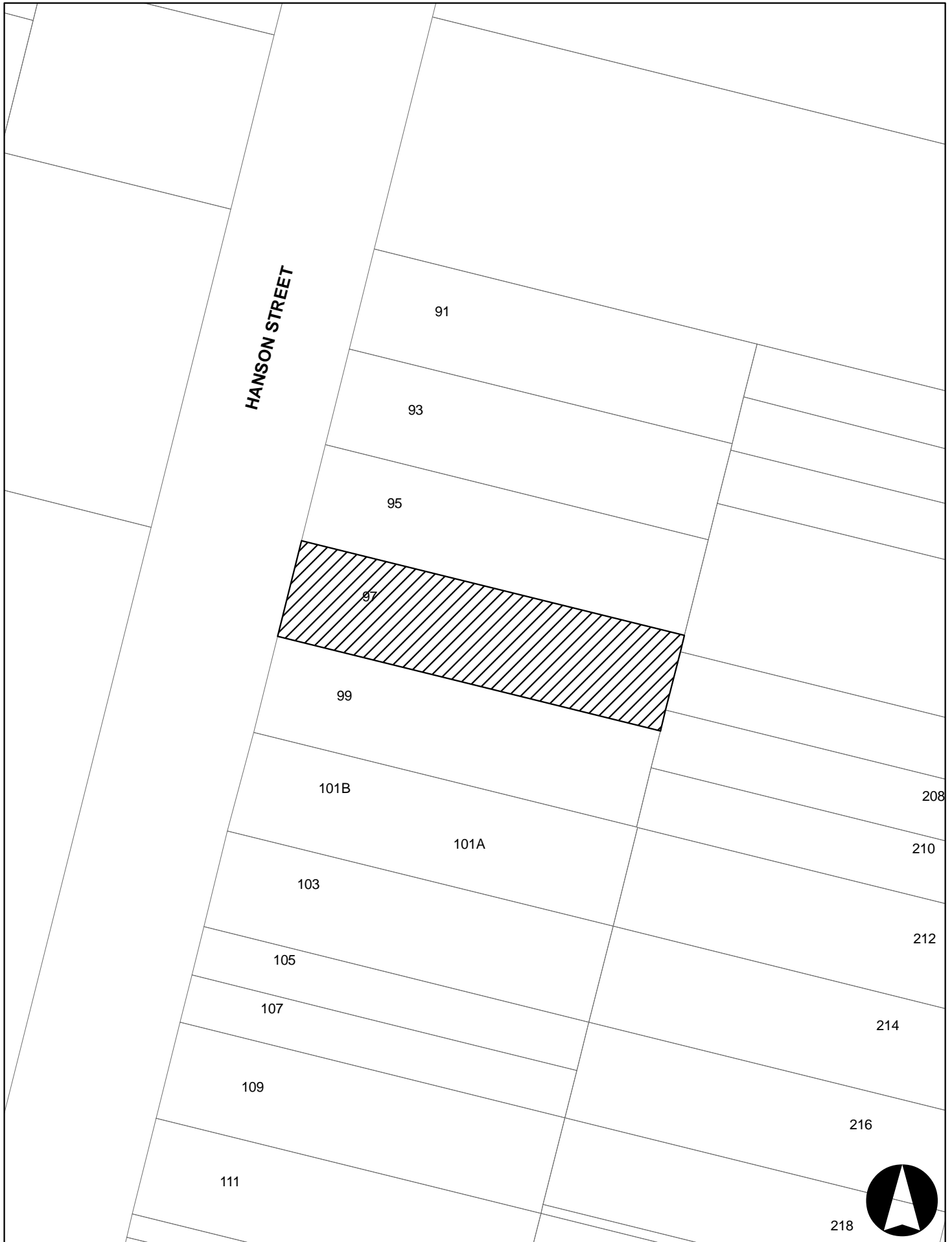
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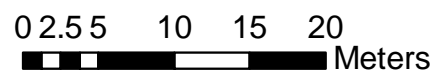
# District Plan Change 73 Suburban Centres Review

Decision on 97 Hanson Street, Newtown

Amendment to Planning Map 6



 Land notified as Inner Residential to be rezoned Centre




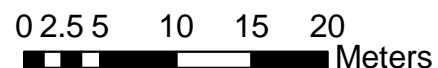
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# District Plan Change 73 Suburban Centres Review

Decision on 2 and 6 Hospital Road, Newtown  
Amendment to Planning Map 6



 Land currently zoned Institutional Precinct to be rezoned Centre

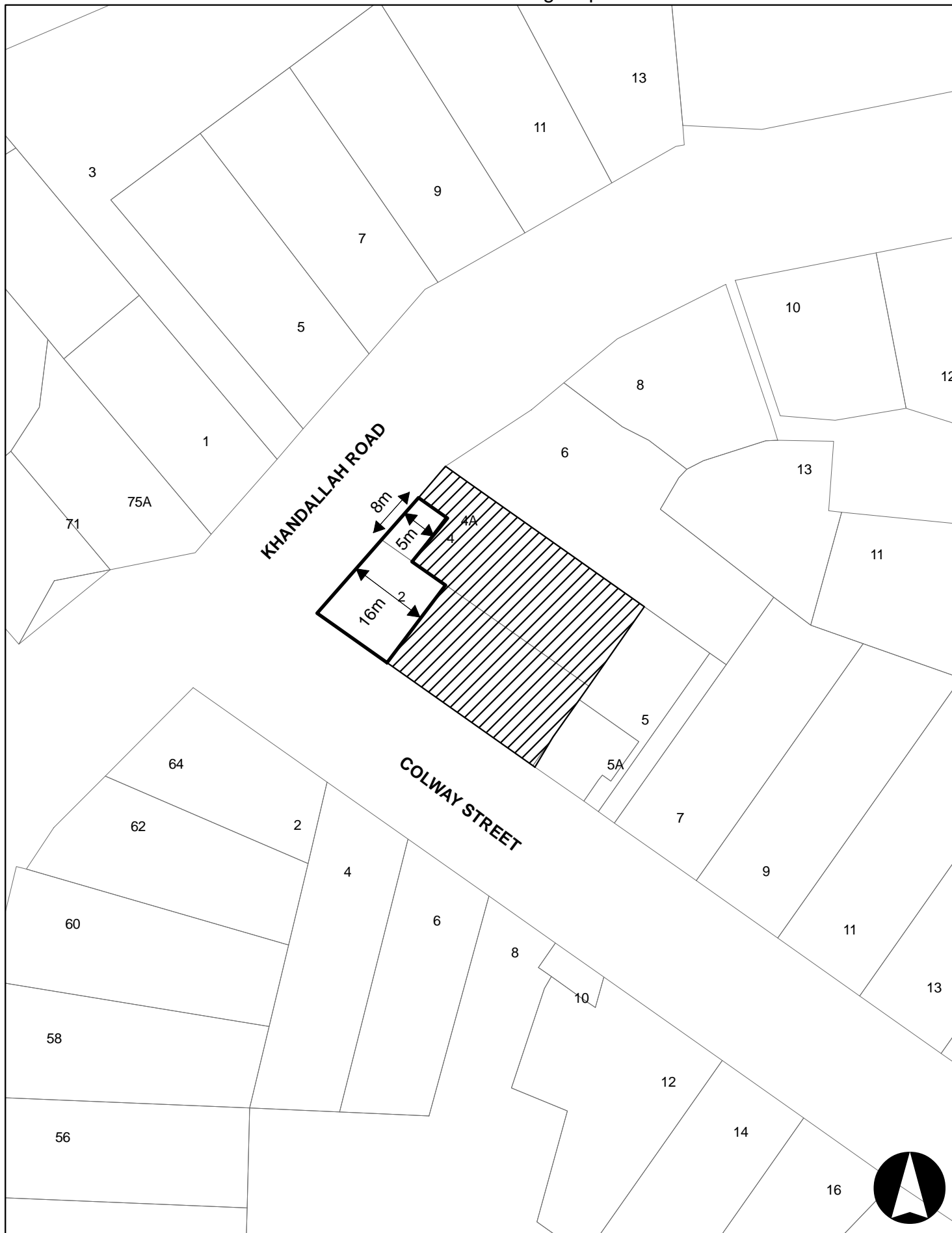



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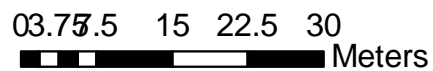
# District Plan Change 73 Suburban Centre Review

Decision on 2, 4 and 4A Khandallah Road, Ngaio  
Amendment to Planning Map 21



 Land notified as Centre to be rezoned Outer Residential

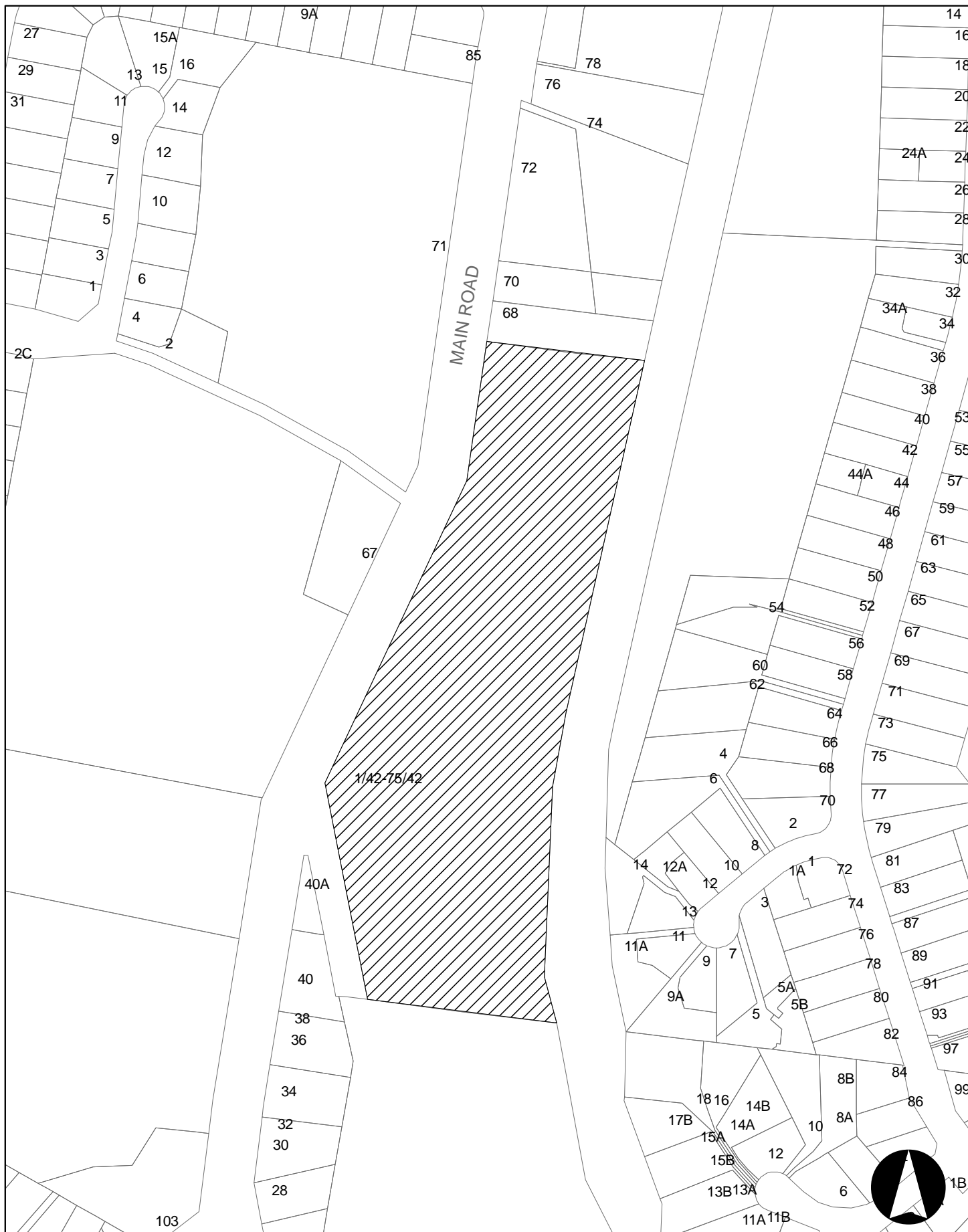
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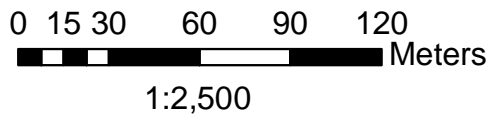
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Decision on 42 Main Road, Tawa  
Amendment to Planning Map 30



 Land notified as Business 1 Area to be rezoned Outer Residential





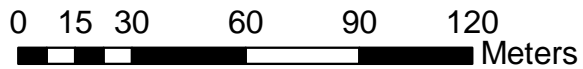
# District Plan Change 73 Suburban Centre Review

Decision on 1 Malvern Road, Ngauranga (LV Martin Site)

Amendment to Planning Map 22



 Land notified as Business 2 Area to be rezoned Business 1 Area

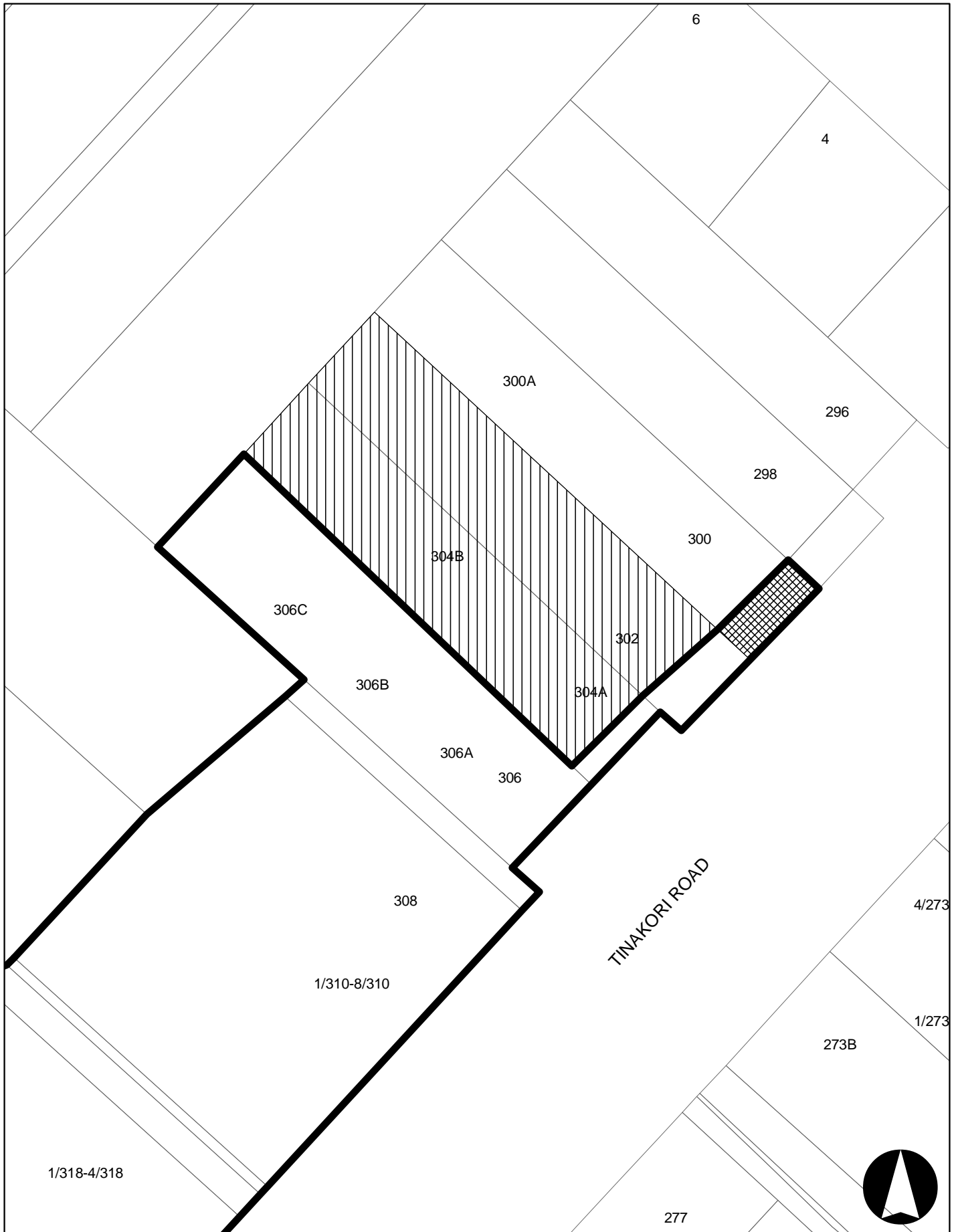





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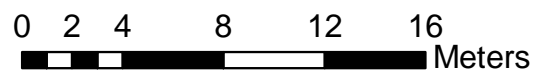


# District Plan Change 73 Suburban Centres Review

## Decision on 300-304 Tinakori Road, Thorndon Amendment to Planning Map 18



-  Land notified as Centre
-  Land Notified as Inner Residential to be zoned Centre
-  Land notified as Centres to be rezoned Inner Residential



1:300

