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Part A Introduction and report structure

The Residential Area chapters of the Wellington City District Plan manage land use in the city's residential suburbs. The purpose of this report is to summarise the evaluation of proposed objectives, policies and methods arising out of the review of the Residential Area chapters of the District Plan.

This report is structured in three parts:

- **Part A** – outlines:
 - An overview of District Plan requirements under the Resource Management Act (Act)
 - The approach to the review of the Residential Area (including monitoring of the District Plan and changes in national, regional and district strategies and policies, and consultation about the review)
- **Part B** – evaluates:
 - The appropriateness of each proposed objective (including those rolled over and new objectives) against the purpose of the Act
- **Part C** – evaluates:
 - The appropriateness of proposed policies and methods to achieve Residential Area objectives.

1.1 Overview of District Plan requirements under the Resource Management Act

The purpose of this report is to summarise the evaluation of the proposed provisions of the revised Residential Area chapters of the Wellington City District Plan (District Plan). This section outlines requirements of the Resource Management Act for preparing and evaluating proposed provisions of a district plan.

Under the Act, every territorial authority must have a district plan (section 73(1)). Every territorial authority is also required to establish objectives, policies and methods to achieve the integrated management of the effects of the use of land and associated natural and physical resources (section 31). In preparing a district plan, a territorial authority is required to evaluate the appropriateness of the proposed objectives, policies, methods and rules (section 32).

1.1.1 Examining whether provisions are appropriate

In reviewing the Residential Area chapters, section 32 of the Act requires the appropriateness of proposed provisions to be examined. Objectives are examined for their appropriateness in achieving the purpose of the Act, and policies and methods are examined for their appropriateness in achieving the Plan's objectives.

Section 32 requires:

An evaluation of objectives that examines:

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

An evaluation of policies, rules and other methods that examines:

- (3) (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

In terms of examining policies, rules and other methods, an evaluation must take into account:

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

1.1.2 Purpose of the Resource Management Act

The purpose of the Act is, in summary, to promote the sustainable management of natural and physical resources. As noted, this purpose sets the benchmark against which to examine the proposed objectives of the District Plan (under section 32).

Part II of the Act sets out matters of national importance and other matters to address (sections 6 and 7) in achieving the purpose of the Act. These matters were considered when preparing and evaluating proposed provisions as part of the review of the Residential Area chapters.

Some of the matters listed in the Act are more relevant to the function of a district council to manage land use, and likewise some are more relevant to the Residential Area specifically. Section 6 and 7 matters of specific relevance to the District Plan and Residential Area include:

Section 6 lists matters of national importance to be recognised and provided for:

- The protection of the coastal environment from inappropriate subdivision, use, and development (6(a)),
- The maintenance and enhancement of public access to and along the coastal marine area (6(d)),
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (6(e)),
- The protection of historic heritage from inappropriate subdivision, use, and development (6(f)).

Section 7 lists other matters to have particular regard to:

- Kaitiakitanga (s7(a)),
- The ethic of stewardship (s7(aa)),
- The efficient use and development of natural and physical resources (s7(b)),
- The efficiency of the end use of energy (s7(ba)),
- The maintenance and enhancement of amenity values (s7(c)),
- Maintenance and enhancement of the quality of the environment (s7(f)),

- Any finite characteristics of natural and physical resources (s7(g)),
- The effects of climate change (s7(i)),
- The benefits to be derived from the use and development of renewable energy (s7(j)).

In all cases, the principles of the Treaty of Waitangi are to be taken into account (section 8).

1.1.3 District Council roles and functions

Other important factors in the review of the Central Area chapters were (in short):

- Council's functions to control the effects of land use relating to natural hazards, hazardous substances, and contaminated land, and controlling noise emissions (section 31),
- Requirements relating to the contents and preparation of a district plan (sections 31, 74, 75, and 76),
- Giving effect to any relevant regional or national policy statement (section 75(3))
- The results of monitoring the efficiency and effectiveness of policies, rules or other methods in the operative District Plan (section 35),

1.2 Review of the Residential Area provisions

1.2.1 What is being reviewed?

The Residential Area chapters, planning maps (including character areas) and design guides are the subject of the current review.

The planning provisions specifically relating to the Residential Area consist of:

- Two chapters in Volume 1:
 - Chapter 4 contains the objectives and policies for the Residential Area
 - Chapter 5 contains the rules for the Residential Area
- Four urban design guides in Volume 2:
 - Residential Design Guide
 - Thorndon Character Area Design Guide
 - Mt Victoria North Character Area Design Guide
 - Oriental Parade Design Guide
- District Plan Maps in Volume 3:
 - Zoning maps 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 29, 30 and 31
 - Hierarchy of Roads map 33
 - Hazard (Fault Line) Area maps 50-54
 - Port Noise map 55

Other provisions are also relevant, for example, General Provisions in Chapter 3, and non-statutory design guides in Volume 2.

1.2.2 What is the approach to the review?

A review of every objective, policy and method in the Residential Area chapters was undertaken as part of this rolling review. The review included an assessment of where the Residential Area provisions had come from, what was working well in the present and looking forward to what was needed in the future to ensure positive environmental outcomes for the Residential Area.

In terms of ‘looking back’, results from monitoring the District Plan have highlighted areas where the current approach is working well, but also where improvements are needed to achieve better environmental outcomes. In terms of ‘looking ahead’, changes in legislation have occurred which need to be recognised in the Plan. The Council has also developed a suite of new strategies guiding the future development of the city that should be reflected in the District Plan, as the Plan is one of the Council’s main regulatory tools able to achieve aspects of these strategies. Some key changes include:

- At the national level - changes in legislative requirements under the Resource Management Act and national-level guidance have been taken on board as appropriate. For example, the shift of heritage protection from a section 7 matter to a matter of national importance (section 6) in the 2003 Resource Management Amendment Act, the New Zealand Urban Design Protocol 2005 and the National Policy Statement on Electricity Transmission 2008 (NPSET).
- At the regional level - regional policies and strategy documents (e.g. draft Regional Policy Statement, and draft Wellington Regional Strategy),
- At the district level - developments in Council’s strategies and policies that set the direction for the city and Central Area (e.g. Built Heritage Policy 2005, Urban Development Strategy 2006), including community input received on these strategies and policies.

Another key part of the review of the Residential Area chapters is taking practical steps to fill gaps, remove redundancies and generally streamline provisions. These changes aim to ensure that Council is able to administer the Plan efficiently.

Opportunities to simplify other parts of the Residential Area chapters has been taken, for example in the type of language used (for example removing double negatives), and in the structure of the chapters as a whole.

Finally, a premise of the review is that ‘if it ain’t broke don’t try to fix it’. Where provisions have not proved problematic and policy work has not signalled the need for change, the status quo is retained. In this respect, provisions that are already contained within the Residential Area chapter have been subject to a section 32 analysis when first included in the District Plan and have been considered a second time here.

These approaches and relevant documents are discussed below.

1.2.3 Section 35 Plan Effectiveness and Efficiency Monitoring

Every council has an obligation under the Resource Management Act 1991(RMA) to monitor the efficiency and effectiveness of any plans it has developed under the RMA. Monitoring is an integral part of the planning and policy development process.

It acts as the feedback mechanism to assess the effectiveness of a plan or particular policies in achieving their anticipated environmental results (AERs). Monitoring contributes to improved Plan decision-making processes and ultimately improved environmental quality.

The Council developed a Monitoring Programme in 2003 which outlined how it would fulfil its monitoring obligations for the Wellington City District Plan. The Programme outlined the priority ‘topic areas’ of the Plan to be monitored and detailed 112 indicators designed to measure whether the Plan is achieving its stated objectives. In light of this, there is no one ‘Residential Area’ monitoring report, but rather the information relating to certain provisions in the Residential Area can be found in a number of monitoring reports. Any relevant findings from the monitoring activities are summarised in the topic or issue under review.

In addition to the ‘effectiveness’ monitoring completed, a general analysis of the Residential Area rules triggered by resource consent applications is carried out on an annual basis. This is one approach to testing the ‘efficiency’ of the rules. This information is useful because it highlights the rules most commonly triggered. Why these breaches have occurred is investigated to check whether or not the rule breaches were anticipated by the Plan. Failure to have any resource consents registered against a rule indicates one of two things. Either the rule is entirely unnecessary or the rule is working as it should in preventing any applications to breach the Plan (e.g. a rule that seeks to discourage a particular activity, i.e. a demolition rule). Either way, the information on resource consents processed under the Residential Area rules enlightens how the Plan is applied through the resource consents process.

1.2.4 National-level policy direction

In reviewing the Central Area chapters, recent national-level policy directives have informed the Council’s understanding of sustainable management. These included:

- Amendments to the Resource Management Act (2003 and 2004) that have:
 - Elevated protection of historic heritage to a matter of national importance (s6(f)),
 - Introduced the efficiency of the end use of energy as a matter to have regard to (s7(ba)),
 - Introduced the benefits to be derived from the use and development of renewable energy (s7(j)).
- New Zealand Urban Design Protocol, 2005
- National Guidelines for Crime Prevention through Environmental Design in New Zealand, 2005
- National Policy Statement on Electricity Transmission 2008 (NPSET)

1.2.5 Regional Policy Statement and other regional strategy work

Strategic direction at the regional level is provided through statutory and non statutory documents.

In reviewing the Residential Area chapters, officers have had regard to the Regional Policy Statement 1995 and the Proposed Regional Policy Statement 2009 and are of

the view the proposed provisions are entirely consistent with the objectives of both Plans and gives effect to the policies specified.

Both the Regional Policy Statement and the Proposed Regional Policy Statement seek to achieve the integrated management of the natural and physical resources of the whole region (s59). Of specific relevance to the Residential Area are matters covered in the following objectives:

Regional Policy Statement	Proposed Regional Policy Statement
Chpt. 4, Obj 1-4 relating to iwi environmental management	Obj 4 and 8 relating to the natural character of the coastal environment and public access to and along the coastal marine area.
Chpt. 7, Obj 1 - 2 relating to the natural character of the coastal environment and public access to and along the coastal marine area.	Obj 9 relating to the region's energy needs
Chpt. 9, Obj 1-4 relating to ecosystems	Obj 10 relating to regionally significant infrastructure.
Chpt. 10, Obj 1- 4 relating to landscape and heritage	Obj 11 relating to the reduction of waste being disposed.
Chpt. 11, Obj 1 relating to natural hazards.	Obj. 15 relating to the protection of historic heritage
Chpt 12, Objectives 1, 2 and 3 relating to energy.	Obj. 16 relating to the protection of indigenous ecosystems and habitats with significant biodiversity values
Chpt. 13, Obj 1-4 relating to waste management and hazardous substances	Obj 17 relating to natural features and landscapes
Chpt. 14, Obj 1-3 relating to the Built environment and transportation	Obj 18, 19 and 20 relating to natural hazards and climate change effects, hazard mitigation measures and community resilience.
	Obj 21 relating to a compact, well designed and sustainable regional form, includes reference to a range of housing needs, and increase range and diversity of activities around the regionally significant centres (i.e. Johnsonville and Kilbirnie) and urban development to occur in existing urban areas, or where beyond urban areas development should reinforce the region's existing urban form.
	Obj 22, 23, 24, 25, 26, 27 relating to resource management with tangata whenua

Wellington Regional Strategy (WRS) 2007

The WRS is a sustainable economic growth strategy and contains a range of initiatives to realise our economic potential. It aims to enhance the ‘regional form’ by addressing such issues as transport, housing, urban design and open spaces.

1.2.6 District-level strategic policy directions

The review of the Residential and Suburban Centres chapters has been guided by the following documents from the Council’s strategic framework:

- Urban Development Strategy (2006)
- Transport Strategy (2006)
- Centres Policy (2008)
- Infill Policy – A Targeted Approach to Infill Housing (2008)
- Wellington – Our Sense of Place (2004)
- Built Heritage Policy (2005)
- Climate Change Action Plan (2008)
- Parking Policy (2007)

The Residential and Suburban Centre reviews also reflect the direction taken by Council in previous plan changes, the results of the District Plan monitoring programme, and other external documents that influence planning policy such as the New Zealand Urban Design Protocol, the Regional Policy Statement for the Wellington Region, and the Wellington Regional Strategy.

1.2.7 District Plan Changes

Over the life of the operative District Plan, Council has initiated plan changes to deal with specific issues or areas. The Residential Review has largely rolled over these provisions on the basis that they continue to represent the Council’s current direction in relation to the specific issue or area. The section 32 reports for the following plan changes remain valid, and these issues have not been revisited in this section 32 report unless specifically stated:

- DPC 1 – Tawa and Takapu Flood Hazard
- DPC 7 – Aro Valley Character Controls
- DPC 9 – Tapu Te Ranga Marae, Zone Change
- DPC 11 – Controlled and Discretionary Activities in Chapter 5
- DPC 18 – Oriental Bay Height Area
- DPC 19 – 20A Oriental Terrace, Zone Change
- DPC 20 – Moeller Street Oriental Bay
- DPC 22 – Hazard (Faultline) Area – Realignment and Rules
- DPC 24 – Downing Street and Silverstream Road, Zone Change

- DPC27 – Khouri Ave/Makara Road, Zone Change
- DPC 36 – Northern Growth Management Framework Reference
- DPC 38 – Residential Character in Newtown, Berhampore and Mt Cook
- DPC 39 – Controls on Residential Development in Newtown, Berhampore and Mt Cook
- DPC 45 – Urban Development Area and Structure Plans
- DPC 50 – Aro Valley Boundary Adjustment and Pre-1930 Demolition Rule
- DPC 56 – Managing Infill Housing

1.2.8 District Plan Structure

The structure of the Operative District Plan is somewhat complex and difficult to understand. Plan Change 48 (Central Area Review) made a number of changes to the structure of the Plan chapters in order to:

- Make the Plan more accessible to the community.
- Improve the legibility of the Plan and facilitate better decision making processes.
- Place a stronger focus on objectives and policies (as these provide the decision making framework for resource consent applications).
- Separate rules and standards.
- Simplify the rule structure, by removing double negatives and creating a logical flow through the different activity types.

These same structural changes have been implemented into the Residential review.

The main driver for changes to the objectives and policies of the Residential chapters is the desire to document, with greater clarity and precision, what the Plan was seeking to achieve and how it expects those objectives to be met. Greater guidance has become important in light of case law developments and amendments to legislation over the past ten years. More consistent interpretation of the Plan is expected to occur as a result of the revised objectives and policies. It is no longer considered necessary to include assessment criteria in addition to the revised policies. Cross referencing has been added to each rule to alert plan users as to which policies are likely to be relevant when preparing a consent application.

The structure of the rules contained in Residential chapters has also been significantly revised. This was required to improve legibility of the rules and provide a more logical flow through the activity hierarchy. The existing structure also contributed to a number of unintended ‘permitted baseline’ scenarios that hindered Council’s ability to effectively manage adverse effects generated by new developments. To resolve this, the rules are now proposed to be contained in one section, followed by a separate section containing the activity and building standards that must be met.

It is also noted that the earthworks and contaminated sites provisions have been removed from the residential chapter. These issues have been incorporated into their own chapters by way of separate plan changes.

1.3.9 Summary of consultation and briefings

1.3.9.1 Consultation and Briefing Sessions

Residential Infill (DPC 56) – (2006 - 2007)

In addition to the focus group research with residents and the statutory consultation required by the RMA, a wide variety of people were interviewed during the research phase to ensure the Council canvassed a wide variety of perspectives on the infill housing issues. These people included:

- Council planners – strategic, policy and resource consent planners, compliance officers
- External ‘consultant’ planners
- Council building consents officers
- Council infrastructure officers (transport, parking, water and sewage)
- Council urban designers
- Council landscape architect
- External ‘consultant’ surveyors
- External ‘consultant’ architects and designers
- Real estate agents
- Wellington Civic Trust
- Tawa Community Board

A workshop was held in January 2007 with the Council’s Planning Group to test ideas for a plan change to deal to the infill housing issues. That workshop was followed soon afterwards with a day long Councillor Workshop (February 2007). The Councillor workshop involved discussions of the issues in the morning, followed by the bus tour of some Wellington suburbs affected by infill housing. The aim was to highlight not only the poor examples of infill housing, but also what can be done to help new housing fit in better to the surrounding neighbourhood.

On 12 April 2007 a briefing session was held with local Residents’ Associations and other interested residents who have contacted the Council about their particular infill housing concerns. Issues surrounding the current approach and concerns with infill were discussed together with the concept of developing a more refined approach for the location of infill development, including areas of intensification were touched on.

Residential Intensification – Areas of Change (2007 - 2008)

During 2007 and 2008 Council ran two public consultation processes addressing the issue of targeted residential intensification. The first phase, held in 2007, sought public comment on the concept of targeting residential intensification in areas where the benefits would be greatest. Feedback was sought on the discussion paper; ‘Promoting Quality of Place – A Targeted Approach to Infill Housing in Wellington City’. Council undertook a mail-out to all Wellington ratepayers (58,000 people) and received 263 feedback forms and letters in response.

Below is a summary of key briefings and meetings held as part of the Phase 1 process:

- Southern Ward Meeting – 7 May 2007
- Tawa Community Board – 10 May 2007
- Eastern Ward Meeting – 15 May 2007
- Northern Ward Meeting – 16 May 2007
- Federation of Residents Association Meeting – 22 May 2007

The second phase of consultation put forward a series of possible ‘Areas of Change’ where Council would encourage residential intensification. Feedback was sought on a discussion paper; ‘How and where will Wellington grow? Proposals for changes and character protection’. Council undertook a mail-out to all Wellington ratepayers (58,000 people) and received 762 feedback forms and letters in response.

Below is a summary of key briefings and meetings held as part of the Phase 2 process:

- Tawa, Public Display and Meeting – 27 May 2008
- Meeting Karori Rotary Club – 3 June 2008
- Johnsonville, Public Display and Meeting – 4 June 2008
- Meeting IPENZ – 10 June 2008
- Karori, Public Display and Meeting – 11 June 2008
- Meeting Tawa Community Board – 12 June 2008
- Newtown, Public Display and Meeting – 17 June 2008
- Meeting Tawa Rotary Club – 17 June 2008
- Kilbirnie Residents Association – 24 June 2008
- Miramar, Public Display and Meeting – 26 June 2008
- Kilbirnie, Public Display and Meeting – 30 June 2008
- Tawa Community Board – 5 July 2008
- Meeting Miramar Progressives Association – 16 July 2008

Residential Review (2008 – 2009)

In 2008 Council initiated a comprehensive review of the Residential Chapters of the District Plan. The outcomes of the Residential Infill and Residential Intensification processes fed into this work.

Council consulted on draft Residential and Suburban Centre chapters of the District Plan Change from December 2008 – March 2009. This process involved briefings and discussions to key resident and professional groups, and submissions were invited from all parties. Council also had numerous meetings and discussions with individuals. Written feedback was received from 207 individuals, groups and organisations.

Below is a summary of key briefings and meetings held as part of the Residential Review process:

- Thorndon Residents Assoc – 24 Oct 2008
- Thorndon Residents Assoc – 29 Oct 2008
- Kilbirnie Residents Assoc – 27 Jan 2009
- Combined briefing for Residents Associations – 11 Feb 2009
- Tawa Community Board – 12 Feb 2009
- Councillor Workshop – 25 Feb 2009
- Combined briefing for Inner City Residents Associations – 2 March 2009
- Kilbirnie Residents Association – 3 March 2009
- Briefing for New Zealand Planning Institute – 4 March 2009
- Briefing for Property and Retail Groups – 6 March 2009
- Briefing for NZ Institute of Architects – 9 March 2009
- Thorndon Residents Association – 11 March 2009
- Thorndon Society – 30 April 2009
- Aro Valley Community Council – 13 June 2009
- Thorndon Society – 1 July 2009
- Mt Victoria Residents Association – 30 July 2009