

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 05:30 pm
Date: Wednesday, 24 February 2016
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown
Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester
Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Announcements by the Mayor

1.3 APW Awards

1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.5 Confirmation of Minutes

The minutes of the meeting held on 16 December 2015 will be put to the Council for confirmation.

The minutes of the meeting held on 10 February 2016 will be put to the Council for confirmation.

1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Wellington City Council

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

2. General Business

DECISION OF HEARING COMMISSIONER ON PRIVATE PLAN CHANGE 79 REZONING 42A RIDDIFORD ST, NEWTOWN

Purpose

1. To report to Council the recommendations of the Hearing Commissioner on Plan Change 79 of the Wellington City District Plan, and the reasons for those recommendations.

Summary

2. Plan Change 79 is a private plan change to rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area. This will enable the site to be redeveloped for commercial and/or residential purposes in accordance with the Centres Area provisions of the Wellington City District Plan. The Hearing Commissioner has considered all written and oral submissions on Plan Change 79 and has recommended that it be approved with a maximum building height of 9m above existing ground level (excluding the sites access leg).
3. If Council adopts the recommendations of the Hearing Commissioner, then this report will become the Council decision. However if the Council rejects one or more of the proposed recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

Recommendation/s

That the Council:

1. Receive the information.
2. Adopt the recommendations of the Hearing Commissioner in respect of Plan Change 79, as set out in Attachment 1.

Background

4. Plan Change 79 is a private plan change requested by Cuttriss Consultants on behalf of Chuni Govan. The plan change seeks to:
 - Rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area
 - Remove the site from the 'Areas Subject to Special Building Standards' overlay
 - Remove the site from the 'Newtown pre-1930s demolition rule area'.
5. The applicant states that the purpose of the rezoning is to allow the site to be redeveloped in conjunction with the applicant's two properties at 40 and 42 Riddiford Street.

6. Plan Change 79 was publicly notified on 9 July 2015 and submissions closed on 6 August 2015. Five submissions were received, all in opposition to the rezoning from Inner Residential Area to Centres Area. The summary of submissions was publicly notified on 27 August 2015 and one further submission was received. A hearing was held on 8 December 2015, at which four submitters spoke in support of their submissions. Jane Black was the Hearing Commissioner.

Discussion

7. The key issues in contention were:
- the removal of the pre-1930's demolition rule;
 - the bulk and location requirements of the Centres Area and their suitability adjacent to residential areas;
 - the encroachment of commercial activities into the residential areas; and
 - potential noise effects.
8. The Hearing Commissioner is of the view that there will be no adverse effects on the environment from the removal of the building. The building is barely visible from any public space and does not contribute to the townscape of the area. In addition the building is in poor physical condition and has no special or unique historical or architectural merit.
9. The Hearing Commissioner is satisfied that the amenity of neighbouring properties will be adequately safeguarded by:
- the recommended maximum building height of 9m;
 - specific bulk and location requirements for Centres Area sites adjacent to Inner Residential Area sites; and
 - the need to consider any application for a resource consent against the Centres Design Guide.
10. The Hearing Commissioner agreed with the applicant that the zone boundaries had been altered over the years as development has occurred. The Hearing Commissioner also agreed with the Council's noise officers that in context of the high existing noise environment any potential increase in noise will be no more than minor.
11. Overall, the Hearing Commissioner has recommended that the plan change be approved and consequently, all submissions are recommended to be rejected either in full or in part.

Options and Next Actions

12. Council can either approve or reject the recommendations from the Hearing Commissioner. If the recommendations are approved, the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing any matter to the Environment Court within 30 working days. If no appeals are lodged, the Plan Change will become operative.
13. If the recommendations are rejected, then the hearing would need to be reheard by Council as a whole.

Attachments

Attachment 1. Plan Change 79 - Commissioners Recommendation

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Author	Alison Newbald, Senior Advisor Planning
Authoriser	Anthony Wilson, Chief Asset Officer

Item 2.1

SUPPORTING INFORMATION

Consultation and Engagement

The Plan Change was notified in accordance with the provisions of the Resource Management Act 1991.

Treaty of Waitangi considerations

None

Financial implications

As a private plan change the cost of processing the application is borne by the applicant.

Policy and legislative implications

Risks / legal

The Proposed Plan Change has been undertaken in accordance with the Resource Management Act 1991.

Climate Change impact and considerations

None

Communications Plan

N/A

PROPOSED DISTRICT PLAN CHANGE 79 – REZONING 42A RIDDIFORD STREET, NEWTOWN

REPORT FOR THE WELLINGTON CITY COUNCIL

PREPARED BY INDEPENDENT HEARING COMMISSIONER

28 JANUARY 2016

1. RECOMMENDATION

- 1.1. That Proposed District Plan Change 79 (DPC 79) to rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area be approved with the following site specific provisions:

Amend Standard 7.6.1.2.1 Maximum Building Height Table to state:

Centre	Height (standard 7.6.2.1.1)	Planning Map No.
<u>42A Riddiford Street, Newtown (excluding access leg)</u>	<u>9m (above existing ground level)</u>	<u>6</u>

Amend the explanation in Policy 6.2.3.9 to state (new wording shown underlined):

When processing a 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. In the case of 42A Riddiford Street, Newtown, a 9m height limit has been imposed due to the site's elevated nature over the surrounding Centres Area. Maintaining a 9m height limit on this site will

ensure that any potential shading effects on neighbouring properties are maintained at the current permitted level and will ensure that any building on the site does not dominate its neighbours and the surrounding area.

2. INTRODUCTION

- 2.1.** DPC 79 is a private plan change requested by Cuttriss Consultants (referred to as 'the Applicant') on behalf of Chuni Govan. The plan change seeks to:
- Rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area (Town Centre)
 - Remove the site from the 'Areas Subject to Special Building Standards' overlay
 - Remove the site from the 'Newtown pre-1930s demolition rule area'.
- 2.2.** The proposed rezoning would enable the site to be redeveloped for commercial and/or residential activity in accordance with the Centres Area provisions.
- 2.3.** The only District Plan amendments proposed are a change to Planning Map 6 to reflect the new Centres Area over the entire site, and adjustments to the 'Areas Subject to Special Building Standards' overlay and the 'Newtown pre-1930s demolition rule area' so that they no longer encompass the site and continue to follow the boundary between the Inner Residential Area and the Centres Area.
- 2.4.** The application stated that the purpose of the rezoning is to allow the site to be redeveloped in conjunction with the applicant's two properties at 40 and 42 Riddiford Street, Newtown. However, the applicant did provide plans that showed a potential development with the plan change application.

3. NOTIFICATION AND SUBMISSIONS

- 3.1.** On 21 June 2015, the Transport and Urban Development Committee agreed to 'accept' the private plan change request for public notification. DPC 79 was publicly notified on 9 July 2015 and submissions closed on 6 August 2015. Five submissions were received. The summary of submissions was notified on 27 August 2015. One further submission was received.
- 3.2.** Five submissions were received and one further submission:
1. Newtown Residents Association
 2. Ailsa Stuart and Phil Redican, 4 Nikau Street
 3. Nigel Knowles, 2 Nikau Street

4. Ascot Motor Lodge, 46-48 Riddiford Street
5. Steve Dunn, 1 Nikau Street

Further submitter

6. Catherine Zwartz, 19 Donald Mclean Street

This further submission did not meet the requirements for a further submission as it failed to support or oppose an original submission.

4. PRINCIPAL ISSUES IN CONTENTION

4.1. The principal issues and concerns that were raised in submissions were:

- Bulk and location
- Removal of the pre-1930s demolition rule
- Noise
- Commercial viability
- Traffic

5. THE SITE AND ENVIRONS

- 5.1.** The site is located at 42A Riddiford Street, Newtown (Lot 1 DP 9703) and is 345m² in area. The site has a split zone with the majority of the site (280m²) zoned Inner Residential Area and an access leg zoned Centres Area.
- 5.2.** The site is situated at the rear of 40 and 42 Riddiford Street and is elevated above the street. The height difference between the front (eastern) boundary of the property on Riddiford Street and the rear (western) boundary is approximately 10m.
- 5.3.** The site has no vehicular access. A narrow access way (1.75m wide and 30m long) provides pedestrian access to the site from Riddiford Street.
- 5.4.** The site contains a two storey dwelling that runs the length of the western boundary of the property. The dwelling has been on the site since pre-1900 but is now vacant and in a state of disrepair.

- 5.5. The surrounding area is characterised by a mix of residential and commercial development. The Wellington Hospital is located across Riddiford Street and is zoned Institutional Precinct.
- 5.6. The properties situated to the north and east of the site front onto Riddiford Street and are zoned Centres Area. Ronald McDonald House is located immediately to the north of the site and is approximately 14m high.
- 5.7. Moving south along Riddiford Street there are two dwellings. 40 Riddiford Street contains a two storeyed building which appears to be vacant. 42 Riddiford Street is a single storey bungalow and is located immediately adjacent to the sites access leg. Both of these properties are owned by the applicant.
- 5.8. Immediately south of the sites access leg is a two storeyed building, containing a dairy on the ground floor and what appears to be residential accommodation on the first floor. Further south is Ascot Motor lodge, which adjoins the sites access leg on its northern boundary.
- 5.9. The residential properties to the south and west of the site are accessed from Nikau Street and Adelaide Road. These properties are zoned Inner Residential Area and typically contain single storey residential dwellings. There are also a number of buildings that are one storey at street level and two to three storeys at the rear.
- 5.10. There is a height difference between the dwellings on Adelaide Road and Riddiford Street with the properties on Adelaide Road overlooking the sites fronting Riddiford Street. The land slopes downwards from the west to the east via three main elevations.

6. SECTION 42A REPORT

- 6.1. A comprehensive officer's report was pre-circulated in accordance with Section 42A of the Resource Management Act (the Act).
- 6.2. The Reporting Officer was Nicole Marshall supported by Alison Newbald. Ms Marshall's planning assessment was supported by technical input from the following experts:
 - Chad McMan, WCC Urban Design Unit, in relation to Urban Design
 - Matthew Borich, WCC Environmental Noise, in relation to Noise
 - Brendon Stone, WCC Traffic Team, in relation to Traffic.

7. THE HEARING

- 7.1. The hearing was held on Tuesday, 8th December, 2015 and four submitters appeared:
- Newtown Residents Association
 - Ailsa Stuart and Phil Redican
 - Ascot Motor Lodge
 - Steve Dunn
- 7.2. The applicant was represented by James Beban, Senior Resource Management Planner at Cuttriss Consultants Limited. He was supported by Morten Gjerde (Architect and Urban Designer).
- 7.3. Ms Marshall and Ms Newbald attended the hearing and were supported by technical advisors, Chad McMan and Ryan Cameron (on behalf of Matthew Borich).

8. THE APPLICANT

- 8.1. Mr Beban outlined the proposal and stated that the applicant accepted the Council officer's recommendation that the height limit should be 9m as opposed to 12m as allowed for in the rest of Newtown. He requested however that this height limit not apply to the sites existing access leg as it is already zoned Centres Area, is flat and does not adjoin any residentially zoned sites. He considered that this area, being on Riddiford Street could support a 12m high building when developed in conjunction with 40 and 42 Riddiford Street. In addressing the submitters' concerns in relation to the effects on neighbouring residential properties, he stated that in addition to height the other District Plan standards would achieve a balance between allowing development of the site and maintaining the amenity of neighbouring residential properties. Mr Beban cited these as:
- *Any building or structure must comply with the applicable building recession plane standard of the Residential area at any point along the a boundary adjoining the Residential Area;*
 - *No building or structure in the Centres Area can be higher than 3 metres within 5 metres of the Residential Area boundary;*
 - *Lux limits for direct or indirect illumination of outdoor areas at the windows of*

residential buildings;

- *A requirement for screening of outdoor storage and activities as well as screening of external waste storage areas;*
- *All windows above ground floor level located within 5m of and facing a Residential Area shall have privacy glazing; and*
- *Any deck, terrace or balcony with a finished floor area of 1.5m above ground level shall not be closer than 5m from an adjoining Residential Area boundary.*

8.2. Mr Beban added that any new development would require a resource consent as a restricted discretionary activity and that this would involve an assessment under the Centres Area Design Guide (Newtown). In his view, this would ensure that siting and layout of the development respected the amenity and character of the adjoining properties. He acknowledged that the Centres Area zoning allows for 100% site coverage as opposed to 50% for the Inner Residential Area. He also stated that while the additional building bulk would be visible from adjoining properties the bulk and location requirements together with assessment against the Centres Area Design Guide (Newtown) would limit what could be established on the site and would not affect these properties. Overall, he considered that any visual effects would be acceptable.

8.3. In respect of the potential adverse effects on adjoining properties zoned Centres Area, Mr Beban considered that there would be positive benefits as the rules applying to Centres Area zoned properties where they adjoin residential properties would no longer apply. Principally this affects 40 and 42 Riddiford Street, owned by the applicant where the development potential of these sites would increase. In respect of other properties at 44 and 46 Riddiford Street, Mr Beban concluded that in his view there would be no material effect, given the separation distance from the site, the height limit and what can be established on the site.

8.4. Mr Beban addressed character effects and said that as Inner Residential Area zoned properties adjoin Centres Areas there is an expectation that commercial buildings will be visible to those properties. He considered that most residential properties were also oriented away from the existing Centres Area. Where there are views of the Centres Area, they are to the back of buildings and across to the

Hospital. He said that with the District Plan provisions including the Design Guide the appearance and bulk of future development would be adequately controlled and acceptable.

8.5. In relation to noise effects, the only difference in standards between the two zones would be that relating to fixed plant noise. In this case it could be 5 dBa greater when measured from the neighbouring Inner Residential Area properties. He relied on the Council's advisor's assessment which was that as the daytime ambient noise levels were already high, any increase would be less than minor.

8.6. Morten Gjerde presented evidence in respect of the effects of the pre-1930s demolition rule no longer applying to the site. Mr Gjerde commented that the building is sited well back from Riddiford Street and is only partially visible from the street and other public areas. He did not consider the building to be of unique architectural character or distinctive in the local townscape. His opinion was that the building was in a poor condition. In conclusion, he stated that its loss would not be a poor outcome. This view was supported by Mr Beban.

9. THE COUNCIL

9.1. Ms Marshall and Ms Newbald outlined the Council's assessment and relied on the Section 42A report. I asked them to explain the bulk and location requirements as they would relate to the site if it was rezoned. Mr McMan presented diagrams to assist with understanding the likely effects. He demonstrated that the Centres Area rules would result in a greater setback from adjoining properties than would be permitted under the rules for the Inner Residential Area.

10. SUBMITTERS

10.1. Martin Hanley expanded on the submission for the Newtown Residents' Association. His concerns were that:

10.2. The topography of the land provided a natural boundary between the two zones and that the site was within the contour for the Inner Residential Area and that the escarpment was a natural buffer.

10.3. As the site rises 9m above Riddiford Street any new development would potentially

be 9m above this. A commercial development of this height on the site would be very visible. He was of the opinion that the Design Guide would not help mitigate this.

- 10.4.** The increase in site coverage to 100% would reduce the openness of the site and the area.
- 10.5.** The existing building can be seen from the public lift tower of the hospital and this should be taken into consideration when assessing the effects of removing the building. He acknowledged that development of 40 and 42 Riddiford Street would mean that the building wouldn't be visible.
- 10.6.** Peter Chalmers spoke to his submission on behalf of Ascot Motor Lodge. He agreed with the concept of a 9m high residential development but believed that a commercial development would have a greater impact. He said he was not opposed to commercial development but he questioned why this was a plan change and not a resource consent application. He said that it was hard to evaluate the effects without a site specific proposal and that he would appreciate communication with the applicant to discuss any development.
- 10.7.** Steve Dunn spoke to his submission. His concerns were;
- 10.8.** That the bulk and location diagrams provided by the applicant were confusing and did not show the potential adverse effects on adjoining properties. The current sense of openness would be lost with an increase in site coverage from 50% to 100%. This would result in greater building bulk being visible from his property. In addition, the open space requirement for residential development provides openness.
- 10.9.** The proposed 2m setback suggested by the Council's urban designer but not supported by the Council's planner would provide a buffer.
- 10.10.** In relation to the existing building on site, he considered that the building had been left to deteriorate and therefore the proposal resulted in 'demolition by neglect'.
- 10.11.** The existing noise, particularly from Ronald McDonald House was very high and

that more commercial development could result in higher cumulative effect. This affects the enjoyment of their property.

- 10.12.** Phil Redican and Ailsa Stewart spoke to their submission. They expressed concern with the potential bulk as their property would be the most affected by the zone change.

11. APPLICANT'S RIGHT OF REPLY

- 11.1.** Mr Gjerde addressed the issue of what constitutes a public space in order to refute the argument that the view from the hospital was important in terms of the visibility of the existing building. His view was that as access to the hospital and lifts was controlled it did not constitute public space. With this view, he concluded that the townscape values of the building were therefore limited.
- 11.2.** He referred to the Design Guide and said that in his opinion it could be relied on to ensure the issues raised by the submitters would be avoided. The 2014 Design Guide is specific to Newtown. He said that the bulk of any development would be required to locate at the street edge and that it would not be desirable for the developer to locate bulk at the rear of the site. As a rule of thumb, the optimal depth of commercial development is 18m, where the front 6m is of high value, the next 6m of moderate value and the rear 6m is not attractive to commercial development.
- 11.3.** Mr Beban responded to the submitters' reference to the topography as a guide to the zoning boundaries. As there has been significant excavation for the adjoining Ronald McDonald House the topography has changed. In response to a question, Mr Beban said that he did not think that lower site coverage was necessary because the site's topography was such that it wouldn't be fully developed. He referred to the Ronald McDonald building which has an open area at the rear.

12. COUNCIL'S CONCLUDING COMMENTS

- 12.1.** Ms Marshall reiterated that she thought that a 9m height restriction together with the other bulk and location requirements would be sufficient to maintain the

amenity of neighbouring properties.

- 12.2.** In respect of noise concerns as a result of noise generated from Ronald McDonald House, she said that there were compliance issues and that these were being addressed. Her view was that the noise standards would be adequate to control noise emissions particularly in the context of a high ambient noise background.

13. CONSIDERATION OF ISSUES

- 13.1.** Having heard the evidence and submissions I consider that the key issues in contention are the removal of the pre 1930's demolition rule, the bulk and location requirements of the Centres Area and their suitability adjacent to residential areas and encroachment of commercial activities into the residential area. Of lesser concern are noise effects.

- 13.2.** I accept Mr Gjerde's assessment and that of the Council's reporting planner, of the effect of the removal of the pre-1930s demolition rule from the site as a result of the proposed rezoning. The building is not highly or even moderately visible from surrounding public spaces. Being set behind buildings on Riddiford Street the building can only be seen from one point. It is not visible from other streets. I agree with Mr Gjerde that the hospital building and lifts are not a public space in the intended meaning of public space for the purposes of this provision. While the public can go to the hospital, it has controlled access for a specific purpose not for general public access. I therefore conclude that it makes little contribution to the townscape.

- 13.3.** The building is in a very dilapidated condition and the blocking of the access from Riddiford Street is likely to be due to health and safety concerns. In terms of the building's age, there was some disagreement about this and a pre-1900 plan presented by Mr Hanley for the Newtown Residents' Association showed that the building existed at this time. A report submitted as part of the application by Mary O'Keeffe stated that the house was dated about 1920s. This matter will be of greater significance when any development is proposed, in order to determine whether an archaeological consent is required under the Heritage New Zealand Act 2014. I accept Mr Gjerde's evidence that the building appears to have been extensively modified and that nothing has been done to restore it to its original condition. I am of the view that the building in its current condition and being

barely visible does not contribute to the townscape of the area and that protection of the building is not warranted.

13.4. In relation to bulk and location issues, the diagrams provided by Mr McMan were very helpful in explaining the scope of what could be built on the site. The reporting planner's recommendation that the height be restricted to 9m, the same as the adjoining residential properties, and accepted by the applicant, will reduce the impact on these properties and those in the vicinity. The scale of development will be appropriate in the context of the interface between the Centres Area and the Inner Residential Area. Another key requirement for development is that buildings located on the site will be restricted to 3m in height within 5m of a residential boundary. In addition, the Inner Residential Area building recession planes will apply to the site. Furthermore, a resource consent for any new building will be required and the development assessed against the appropriate design guide. Consideration must be given to a number of site layout and building design matters including:

- Complementing existing patterns of alignment and achieving a positive scale relationship with adjoining buildings
- Alignment of buildings with the block pattern
- Reducing the proportion of the site covered by parts of buildings that are higher than surrounding buildings
- Mitigation of visual impact of the building where the building is large relative to its neighbours.

13.5. As Mr McMan's diagrams illustrated, and considering the Design Guide assessment requirements, the likely outcome of any development on this site should be in keeping with the neighbourhood and respectful of the amenity of its neighbours. In addition, any development of this site will be required to be setback further from boundaries than any complying development if the site was zoned Inner Residential Area. Mr McMan suggested that there should be a 2m setback from the boundary for any new building. I am of the view that this will not add value but proximity to boundaries will, in addition to the standards, be a consideration under the Design Guide for any new development.

13.6. I am satisfied that the recommended building height, the bulk and location requirements for Centres Area sites adjacent to Inner Residential Area sites and consideration of any application for a resource consent against the Design Guide, will safeguard the amenity of neighbouring properties.

- 13.7.** Submitters objected to the incursion of commercial activities into the residential area and the zone 'creep' eroding the residential character. The site is at the interface of both zones and its neighbours are commercial as well as residential. There are new developments like the Ronald McDonald House and older ones like the Ascot Motor Lodge that extends over both zones. The Centres Area does provide for mixed use developments and a wide range of activities that can comfortably be accommodated beside the Inner Residential Area provided that the amenity of the residential area is maintained.
- 13.8.** The topography of the area was referred to by submitters as being an important definer of the zones boundaries. I agree with the applicant that this has been altered over the years as development has occurred and that the bulk and location standards together with consideration against the design guides will ensure any development will respect the amenity and character of the neighbourhood.
- 13.9.** Submitters were concerned about the increase in noise and cited excess noise emitted from Ronald McDonald House. The Council's noise expert and Ms Newbald said that this is a matter of non-compliance that the Council is addressing. In terms of the permitted noise standards, there will be a very small increase of 5 dBa in relation to the daytime fixed plant standard. Mr Cameron and Ms Marshall concluded that in the context of the high existing noise environment any potential increase will be less than minor. I agree with this conclusion.

14. Statutory Framework

14.1. Council functions – Section 31

- 14.1.1** The District Plan is one means to assist the Council to carry out its functions under section 31 of the RMA for the purpose of giving effect to the RMA in its district. These functions include the establishment, implementation, and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- 14.1.2** DPC 79 seeks to rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area which would result in commercial and/or residential

activity within the Plan Change area. I have assessed the outcome of this rezoning as having no more than minor effects on neighbouring properties. Consequently, if DPC 79 was approved it is my opinion that the District Plan would still assist the Council in giving effect to the RMA in respect of the Plan Change land.

14.2. National Policy Statements, National Environmental Standards and Regional Policy Statement

14.2.1 There are no National Policy Statements or National Environmental Standards relevant to DPC 79. The New Zealand Coastal Policy Statement is also not considered relevant.

14.2.2 I have had regard to the relevant provisions of the Wellington Regional Policy Statement and am satisfied that there is no particular conflict on the basis of evidence from the applicant regarding historic heritage and regional form, design and function.

14.3. Relevant Management Plans and Strategies under other Acts

14.3.1 There are no relevant Management Plans to DPC 79. The Wellington Regional Strategy 2012 and Urban Development Strategy 2006 are considered to be the most relevant Strategies to the Plan Change application. I agree with the applicants Section 32 assessment of these strategies and therefore am satisfied DPC 79 is consistent with them.

14.4. Part 2 Assessment

14.4.1 DPC 79 is consistent with the promotion of sustainable management of natural and physical resources. The proposed rezoning will increase the development potential and flexibility of the site as it will allow a wider range of activities to take place on the site. The site is also situated in close proximity to public transport linkages, shops and the Wellington Hospital. A number of public spaces are also within the vicinity of the site. Therefore, DPC 79 will enable people including the Newtown community to provide for their economic, social and cultural well-being.

14.4.2 I do not believe that any of the matters of national importance under section 6 are relevant to DPC 79 and no party has raised issues regarding Section 8, the Treaty of Waitangi.

14.4.3 DPC 79 is consistent with Sections 7 (a), (b) and (c) of the RMA as the plan change will result in an efficient use of the land resource and existing infrastructure while ensuring that any potential adverse amenity effects are avoided, remedied and/or mitigated and the quality of the environment is maintained.

14.4.4 The planning officer and the applicant's planning consultant also consider that with the adoption of the Centres Area provisions and the proposed height limit the plan change will meet the requirements of Part 2 of the RMA.

14.5 Section 32

14.5.1 Section 32 requires that each proposed objective in a District Plan or plan change is evaluated by the extent to which it is the most appropriate way to achieve the purpose of the RMA. DPC 79 proposes to adopt the objectives of the Centres Area in lieu of those that apply to the Inner Residential Area.

14.5.2 I have assessed the Centres Area objectives against the plan change application. I consider that it is appropriate to replace the Inner Residential Area objectives with the Centres Area objectives given that the plan change is consistent with the Centres Area objectives as outlined in Section 6.6 of the Section 32 Report.

14.5.3 An additional analysis of the recommendation to change the height limit from 12m to 9m is as required by Section 32AA. This analysis is attached as Appendix 1.

14.5.4 The proposed height limit is consistent with the Centres Area objectives as detailed in Section 7.0 of James Beban's evidence and is within scope of policy 6.2.3.9. I have included wording under the explanation section of this policy to ensure that when a resource consent application for the site is assessed against this policy it is clear why there is a 9m height limit for the site as opposed to a 12m height limit for the rest of Newtown. The new wording is as follows

[underlined]:

When processing a 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. In the case of 42A Riddiford Street, Newtown, a 9m height limit has been imposed due to the site's elevated nature over the surrounding Centres Area. Maintaining a 9m height limit on this site will ensure that any potential shading effects on neighbouring properties are maintained at the current permitted level and will ensure that any building on the site does not dominate its neighbours and the surrounding area.

15 CONCLUSION

15.5 Proposed District Plan Change 79 will enable development of the site that is in keeping with the residential neighbourhood. The Central Area provisions, including the required consideration against the Design Guide will provide parameters and guidance to ensure that any development is respectful of the residential context and amenity.

15.6 I recommend that the plan change request be approved subject to the following site specific condition:

15.6.1 A maximum building height of 9m above existing ground level, excluding the sites access leg.



Jane Black

Independent Commissioner

Table 1: Site-specific condition

Description	7.6.2.1.1 Maximum building Height – Town Centre - Lot 1 DP 9703 (42A Riddiford Street, Newtown)	
	OPTION 1: Do Nothing – Retain Existing Provisions (12m height limit)	OPTION 2: Amend Wording (9m height limit) This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> Environmental costs – Medium. Sub optimal environmental outcomes may arise if the height limit is left at 12m. Lack of height control may result in potential adverse effects on adjoining properties and Newtown’s wider suburban centre. Economic costs – Medium. Potential loss of property values for adjoining properties. Social costs – Low. Sub optimal social outcomes may arise if the height limit is left at 12m due to potential adverse effects on adjoining properties. 	<ul style="list-style-type: none"> Environmental costs – None identified. Economic costs – Low. Costs of processing the Plan Change. Social costs – None identified.
Benefits	<ul style="list-style-type: none"> Environmental benefits – None identified. Economic benefits – None identified. Social benefits – None identified. 	<ul style="list-style-type: none"> Environmental benefits – Medium. Ensure the environmental objectives of the Plan are achieved. Potential adverse effects will also be maintained at the current permitted level. Economic benefits – Medium. Adjoining neighbours’ property values will be maintained. Social benefits – Medium. Ensures good planning outcomes for communities.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> The plan’s objectives would be less efficiently and effectively achieved as the 12m height limit will not manage the potential adverse effects on adjoining properties and Newtown’s wider suburban centre. 	<ul style="list-style-type: none"> Most efficient and effective in achieving the plan’s objectives as the 9m height limit will keep potential adverse effects from building height at the current permitted level and ensure that any commercial building does not dominate the surrounding area.
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> Not considered appropriate, as the 12m height limit will not manage the potential adverse effects on adjoining properties and Newtown’s wider suburban centre. 	<ul style="list-style-type: none"> Appropriate, because the change meets the plan’s objectives and will keep the potential adverse effects at the current permitted level and ensure that any commercial building does not dominate the surrounding area.

Abcdefghijklmnop	Text recommended to be added
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7.6.2.1 Maximum building height

7.6.2.1.1 No building or structure shall exceed the building height as listed in Table 1 below:

Table 1:

Centre	Height (standard 7.6.2.1.1)	Planning Map No.
Sub-Regional Centres		
Johnsonville	See Appendix 1 for Zone Boundaries	
- Zone 1	12m	23
- Zone 2	18m	23
Kilbirnie	12m	6
Town Centres		
Karori	12m	11
Miramar – Miramar Ave, Park Road, cnr Rotherham Terrace and Para Street	12m	7
Mt Cook (Adelaide Road)	See Appendix 1 for Zone Boundaries	
- Zone 1	12m	6/16
- Zone 2	18m	6/16
Newtown	13m	6
Lot 1 DP 9703 (42A Riddiford Street, Newtown), excluding the sites access leg)	9m	6
Tawa	12m	30
District Centres		
Brooklyn	12m	6
Churton Park	9m	26
Crofton Downs	12m	21/15
Island Bay	12m	4
Khandallah – Dekka Street/Ganges Road and Box Hill/Baroda Street	12m	21
Newlands	12m	24/23
Neighbourhood Centres		
Aro Valley	9m	11/16
Berhampmore	12m	6
Berhampmore – Rintoul Street	9m	6
Hataitai	9m	6/12
Island Bay – Mersey Street	9m	4
Island Bay – Shorland Park Shops	9m	4
Karori – Marsden Village	9m	11
Karori – Nottingham/Standen Street Shops	9m	11
Karori – Tringham Street Shops	9m	11

3. Committee Reports

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 11 FEBRUARY 2016

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer (Chair), Councillor Foster, Councillor Lee, Councillor Pannett, Councillor Sparrow.

The Committee recommends:

PROPOSED ROAD STOPPING - LAND ADJOINING 38 RANDWICK ROAD, NORTHLAND

Recommendation/s

1. Recommends to the Council that it:
 - a. Agrees that approximately 71m² of unformed legal road land in West Road, Northland shown bordered red on Attachment 1 (**the Road Land**) and adjoining 38 Randwick Road, Northland (being Lot 66 DP 1087, CFR WN133/188) is not required for a public work and surplus to requirements.
 - b. Agrees to dispose of the Road Land.
 - c. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

PROPOSED ROAD STOPPING - LAND ADJOINING 45 ABEL SMITH STREET, TE ARO

Recommendation/s

1. Recommends to the Council that it:
 - a. Agrees that approximately 56m² of unformed legal road land on Abel Smith Street, Te Aro, shown as land bordered red on the plan in Attachment 1 (the Road Land) and adjoining 45 Abel Smith Street, Te Aro (being Lot 1 DP 17757, CFR WN619/87) is not required for a public work and surplus to requirements.
 - b. Agrees to dispose of the Road Land.
 - c. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Road Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

PROPOSED ROAD STOPPING - LAND ADJOINING 26 AND 28 RAROA ROAD

Recommendation/s

1. Recommends to the Council that it:
 - a. Agrees that approximately 42m² of unformed legal road land on Raroa Road, Kelburn, shown as land bordered blue on Attachment 1 (the Land) and adjoining 26 and 28 Raroa Road, Kelburn (being Lot 2 DP 1946 CFR WN47C/100 and Lot 3 DP 1946 CFR WN166/42) is not required for a public work and surplus to requirements.
 - b. Agrees to dispose of the Land.
 - c. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land; including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

Attachments

Nil

4. Public Excluded

Resolution to Exclude the Public:

THAT the Council :

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 External Appointment to the Audit and Risk Subcommittee	7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
4.2 Public Excluded Report of the Governance, Finance and Planning Committee Meeting of 18 February 2016	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 7(2)(j) The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.