

# **Plan Change 79:**

## **Rezoning 42A Riddiford Street, Newtown**

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**OFFICER'S REPORT FOR:** District Plan Hearings Committee  
**SUBJECT:** District Plan Change 79: Rezoning 42A Riddiford Street, Newtown  
**DATE OF HEARING:** 8 December 2015

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## 1. Introduction

Proposed District Plan Change 79 (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 (Neighbourhood)
- Remove the site from the 'Areas Subject to Special Building Standards' overlay
- Remove the site from the 'Newtown pre-1930s demolition rule area'.

The proposed rezoning would enable the site to be redeveloped for commercial and/or residential activity in accordance with the Centres Area provisions.

The purpose of this report is to summarise and assess the private plan change under the relevant provisions of the Resource Management Act 1991 (the RMA or the Act), taking into account the submissions received and to provide recommendations to the Independent Hearings Commissioner on the issues.

## 2. Recommendations

It is recommended that the Hearing Committee:

1. *Receive the information.*
2. *Approves Proposed District Plan Change 79 to rezone 42A Riddiford Street, Newtown to Centres Area with the following site-specific provision:*
  - *A maximum building height of 9m above existing ground level, as detailed in Appendix 1.*
3. *That all submissions and further submission be accepted or rejected to the extent that they accord with the above recommendation.*

## 3. Background

### 3.1 Legislative Requirements

The requirements for processing private plan changes are covered in Part 2 of Schedule 1 to the RMA. Following public notification of the change and the lodging of submissions and further submissions, the Council is required to hold a hearing of the submissions in accordance with clause 8B.

After a hearing is held, the Council is then required to give its decisions on the submissions in accordance with clause 10. The decisions shall include the reasons for accepting or rejecting submissions (grouped by subject matter or individually).

In due course, appeals against the decision may be made to the Environment Court.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The Council has additional responsibilities under section 7 of the Act requiring it to have particular regard to:

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

## 3.2 The Site and Environs

### 3.2.1 The Site

The site is located at 42A Riddiford Street, Newtown (Lot 1 DP 9703) and is 345m<sup>2</sup> in size (Figure One). The site has a split zone with the majority of the site (280m<sup>2</sup>) being zoned Inner Residential Area and an access leg zoned Centres Area.

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.

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.

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 the 1920's but is now vacant and in a state of disrepair.

The remaining portion of the site is unkempt and covered with overgrown grass.



**Figure One: The Site**

### **3.2.2 Surrounding Environment**

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.

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. It is approximately 14m high and of a modern design.

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 access leg of the site. Both of these properties are owned by the applicant.

Immediately south of the 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.

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.

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.

## **3.3 The Plan Change**

The only District Plan amendments proposed by the applicant will be 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.

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. However, the applicant has not provided specific plans to redevelop the site with the plan change application.

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.

### **3.4 Information Provided with the Plan Change**

#### **3.4.1 Additional information**

The Council requested further information from the applicant on 21 April 2015. Council requested that additional information be provided under Clause 23, Part 2, Schedule 1 of the RMA on the effect of removing the site (and dwelling) from the Newtown pre-1930's demolition rule area. Council received an urban design assessment undertaken by Morten Gjerde on 28 May 2015.

The effect of development permitted by the Centres Area provisions was a common theme of submissions. Council requested that the applicant provide additional information on the extent of development that could occur under the Centres Area provisions on 12 August 2015. Council received bulk and location plans carried out by Moore Design and Draughting Limited on 22 October 2015. This information was provided to submitters on 30 October 2015.

### **3.5 Submitters**

A total of 5 original submissions were received on DPC 79. One further submission was received. The submitters are listed below:

#### **Original Submitters**

1. Newtown Residents' Association
2. Ailsa Stuart and Phil Redican
3. Nigel Knowles
4. Ascot Motor Lodge
5. Steve Dunn

#### **Further Submitter**

6. Catherine Zwartz

All submitters, except Nigel Knowles, wish to be heard in support of their submission.

The detailed summary of submissions is attached as Appendix 2.

All submitters request that the plan change application be declined either in part or in its entirety.

## **4. Submissions and Discussion**

The submissions and further submission are discussed below.

### **4.1 Bulk and Location**

#### ***Issues raised in submissions:***

### Building Height

- A 12m high building, even if it was offset by 5m from the residential boundary, would significantly shade adjoining properties and change their outlook.
- The proposed rezoning will allow a 12m building height compared to the current building height of 9m and will impact on the residential amenity of the area because the ground level rises up, well above the Riddiford Street level.
- The height of commercial development will result in a loss of privacy, sunlight and views.
- A 12m high tower would be out of context in the neighbourhood and offend sightlines around them, particularly from up and down Nikau Street, Adelaide Road, Riddiford Street and the hospital.

### Site Coverage

- The current zoning fits with the terrain and the existing bulk and location of structures and established land use patterns.
- The current zoning provisions result in a more open development both in building form and limited coverage. It also forms a buffer to commercial activities and full site coverage allowed in the Centres Area zoning.
- The current zoning restricts site coverage and provides greater protection for residential properties resulting in development with more open space and greenery.
- The full site coverage allowed by the proposed rezoning will undo the district plan protections currently provided to local residents.
- The full site coverage allowed by the proposed rezoning will increase the dominant impact of a commercial building.

### Building Recession Plane

- The Inner Residential Area daylight envelope rules provide the adjoining residential properties with an expectation of sunlight and sky outlook that is completely bypassed by the proposed rezoning.
- The building recession plane under the proposed zoning will offer little protection to neighbouring properties due to loss of sunlight.
- The basic rights bestowed to homeowners regarding height controls and building recession planes will be removed.

### ***Discussion:***

The key differences between the permitted bulk and location requirements for the Inner Residential and Centres Areas are outlined in Table 1 below.

**Table 1: Permitted Bulk and Location Requirements**

<b>Permitted Activity Standards</b>	<b>Inner Residential Area</b>	<b>Centres Area</b>
Maximum building height	9m	12m
Site coverage	50%	100%
Building recession plane	On the southern boundary 2.5m vertical 45 degree angle On the western boundary 2.5m vertical 63 degree angle	The Inner Residential Area building recession plane applies on residential boundaries and no building or structures in the Centres Area shall be no higher than 3m within 5m of a Residential Area boundary
Yards	None except for: - a minimum 1m yard to any open space to the rear of the building - a minimum 1m yard from a building on an adjoining site	None
Open space	35m <sup>2</sup> (minimum dimension 3m)	None

Given that the applicant owns the properties at 40 and 42 Riddiford Street, any potential adverse effects in regards to bulk and location on these properties have not been considered further in this report.

Ronald McDonald House borders the northern boundary of the site. Given that it faces Riddiford Street and is approximately 14m high, it is considered that any potential adverse effects in terms of bulk and location will be negligible on this property.

While 219A Adelaide Road partially adjoins the site on 42A Riddiford Streets western boundary, the dwelling is located to the north of the site and therefore will not experience any significant shading effects. However, the dwelling contains a window from which the site is visible. As such, the outlook from this window may change due to the increased allowable height and site coverage as a result of the proposed rezoning.

Ascot Motor Lodge and the dairy, which has residential accommodation on its first floor, adjoin the site's access leg on their northern boundaries. The motels northern

boundary is a blank façade. The first storey of the dairy has three windows that overlook the sites access leg. As the site and the applicants other two properties at 40 and 42 Riddiford Street have not been developed to their full potential, as permitted by the District Plan, Ascot Motor Lodge and the first storey of the dairy currently benefit from the open space and sunlight more than what otherwise could have been the case.

4 Nikau Street contains a residential dwelling and is located immediately south of the site. Therefore, this site will potentially be affected by the bulk and location of any new development on 42A Riddiford Street and will experience a change in outlook.

2 Nikau Street and 221 and 223 Adelaide Road also contain residential dwellings and adjoin the site on their western boundaries. Any new development on 42A Riddiford Street will result in a change in outlook for these properties.

The plan change application states that the purpose of the proposed rezoning is to facilitate the use of the site in a comprehensive redevelopment with 40 and 42 Riddiford Street. A 12m high building can be built on these sites (40 and 42 Riddiford Street) as they are already zoned Centres Area. Ascot Motor Lodge and the first storey of the dairy will be affected by any redevelopment of the existing Centres Area zoned sites. Although, these properties may potentially be affected by shading and a change of outlook if the site was redeveloped by itself due to the increased height and site coverage allowed under the proposed rezoning.

Under the Centres Area zoning, any new buildings and/or structures on the site will be restricted in height to 3m within 5m of a residential boundary. New buildings must also comply with the Inner Residential Area building recession planes of 2.5m plus 45 degrees (southern boundary) or 63 degrees (western boundary). In addition, all new buildings in the Centres Area require a resource consent. A design statement must be submitted with assessment of the proposed building against the Centres Area Design Guide. The design statement will address the external appearance and siting of buildings and/or structures and requires consideration of a range of factors 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.

To understand the effects of the different bulk and location controls of the Inner Residential and Centres Areas, an urban design assessment was carried out by the Council's urban designer, Chad McMan. He notes that the sites unique characteristics mean the site could accommodate a change from Inner Residential Area to Centres Area without undue effect on neighbours.

The assessment also notes that consideration should be given to imposing site-specific controls on any new building/s on the site to mitigate the effect of the additional height and site coverage that would be permitted under the Centres Area provisions:

- A maximum building height of 9m above existing ground level

- A minimum horizontal distance of 2m from any part of a building. Where the site adjoins a residential boundary an open space area shall be maintained as an accessible landscape area.

A 9m height limit is appropriate on the site due to its elevated nature over the surrounding Centres Area. In addition, maintaining a 9m height limit will ensure that any potential shadowing effects and change in outlook on neighbouring properties are maintained at the current permitted level and will ensure that any commercial building does not dominate the surrounding area.

The Council's urban designer has also recommended an additional 2m setback to mitigate the effects of a bulkier building (as would be permitted under the Centres Area zoning). However, the Inner Residential Area provisions permit buildings on the boundary (or 1m from the boundary in some circumstances) with the building bulk potentially located along any of the adjoining boundaries for their entire length. A residential building could reach 9m high within 3m of the boundary. This 'residential bulk' would effectively block the remainder of the site from any of the adjoining properties. It is considered that the effects of building bulk will be experienced by the adjoining properties regardless of the zoning and permitted site coverage. A 2m setback from the boundary would therefore be outside the current permitted baseline and is not recommended.

I recommend that a 9m height limit for this site be included in the District Plan as an addition to Rule 7.6.2.1. The proposed wording for this site-specific provision is detailed in Appendix 1 of this report.

### ***Summary***

Overall, any potential adverse effects in terms of bulk and location will be adequately mitigated by the combination of: permitted bulk and location requirements for the Centres Area; the need for a resource consent and assessment of any new buildings against the Centres Area Design Guide; and the provision of a new site specific rule to limit maximum permitted building height to 9m. Any potential adverse effects in terms of bulk and location will, in my opinion, be minor.

## **4.2 Removal of the Newtown pre – 1930's Demolition Rule**

### ***Issues raised in submissions:***

- The existing dwelling on the site has been left abandoned for years and is a case of demolition by neglect.
- The dwelling at 42A Riddiford Street has architectural merit, however it has been allowed to fall into a state of disrepair, presumably to facilitate demolition as an option.
- The existing dwelling on the site is a Victorian dwelling of special simple character and has streetscape presence. It is viewable from multiple vantage points and is the sort of structure that the pre-1930's demolition/renovation controls were introduced to protect.
- Elevated above the ground plane on the sloping hillside the existing dwelling has a simple T shaped form that integrates the veranda into its roof scape in an innovative sheltering way. It is an elegant simple well designed residence.

- The Newtown Residents Association values the character and sense of place across Newtown, Berhampore and Mount Cook that the rule protects. Its members were extensively consulted by the Council when this protection was devised for these suburbs. They do not support the removal of this protection from 42A Riddiford Street.
- Zoned Inner Residential Area, its 3 significant elevations are protected by the demolition controls that DPC 38 introduced in 2005 to protect the character and sense of place for Newtown, Berhampore and Mount Cook.
- We are already expecting to lose character buildings at the southern end of Riddiford Street from the proposed Salvation Army development.

***Discussion:***

The site is currently within the pre-1930's demolition rule area of the Inner Residential Area. Therefore, a resource consent for a restricted discretionary activity is required to significantly alter or demolish the existing building. The proposed Centres Area zoning will make demolition of the existing dwelling on the site a permitted activity (subject to standards) under Rule 7.1.5 of the District Plan. Rule 7.1.5 states the following:

*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 primary or secondary 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)*

The pre 1930's demolition rule (Rule 5.3.6) requires assessment of the following matters to determine whether demolition of the existing building is appropriate:

- *The contribution made by the existing building to the townscape character of the neighbourhood*
- *The physical condition of the existing building*
- *The design of any proposed works (including any replacement building, or additions and alterations to an existing building), and the impact of these works on the townscape character of the neighbourhood*

In addition, Policy 4.2.2.1 of the District Plan states that when assessing a resource consent to demolish a pre-1930 building, the Council will consider first and foremost the contribution made by the existing building to townscape character. Council will also assess:

- *the level of visibility of the existing building from surrounding public spaces, including whether the building features in short, medium or long range views*
- *whether the existing building is consistent in form and style with other pre-1930 buildings that contribute positively to townscape character*

- *the extent to which the existing building retains its original design features relating to form, materials and detailing and the extent to which the form, style and important details have been modified*
- *whether the building is an integral part of a row of buildings that are consistent in form, scale and siting*
- *whether the building is important to the context of a building listed in the Schedule of Listed Heritage Items*
- *whether the building is within a sub-area identified in the Appendices to the Residential Design Guide*
- *whether the building represents a rare or unique example of pre-1930 architecture*
- *whether the building is a distinctive element within the local townscape.*

The existing dwelling on the site has low visibility from surrounding public spaces and only features in one short range view and no medium or long range views. The short range view is from the front of Riddiford Street and even then the entire building cannot be seen. The dwellings location at the rear of the site and the topography of the surrounding area mean the building is well screened by neighbouring buildings and existing vegetation. While I acknowledge that existing vegetation can change over time its removal would not result in the building being able to be easily seen from any other vantage points or the dwelling to become more visible from Riddiford Street.

40 and 42 Riddiford Street currently sit in front of the dwelling and are approximately 9m and 6m in height respectively. These properties are zoned Centres Area and a building of up to 12m in height can be built on each of these properties. If this were to happen, the dwelling is likely to no longer be visible from Riddiford Street, making the dwellings contribution to the townscape virtually non-existent. Morten Gjerde also states in his Streetscape Character Assessment that he considers the visibility of the building from all public areas around the site to be low, bordering on non-existent.

When viewed from Riddiford Street, the existing dwelling on the site does not form part of a group of pre-1930's buildings. The building is located at the rear of the site, and is the only building with a Riddiford Street address that is subject to the 'Newtown pre-1930's demolition rule'. The building is not visible from Nikau Street or Adelaide Road and is situated behind the dwellings on these streets that are covered by this rule. In effect, the dwelling is isolated from the buildings on these roads.

The building is in a poor physical state. Morten Gjerde states in his Streetscape Character Assessment that the dwelling is imperceptible from the adjoining residential area. However, he also states that if it were visible from the adjoining residential area its current condition would detract from, rather than enhance the visual quality of the setting.

Submitter 1 describes the existing dwelling on the site as being a Victorian dwelling of special simple character with a simple T shaped form. Submitter 4 states that the existing dwelling on the site has architectural merit. Mary O'Keeffe of Heritage Solutions states in her Heritage Assessment (attached as Appendix 6 to the plan

change application) that the dwelling has been modified at various points through its life, most notably in the 1960's when plasterboard cladding was added to all interior rooms. Morten Gjerde also states in his Streetscape Character Assessment that nothing has been done to the house to return it to its original condition and that he does not consider the building to be of a unique architectural character.

The building is not listed on either Heritage New Zealand's list or the Wellington City District Plan's Heritage List. The Heritage Assessment carried out by Mary O'Keeffe of Heritage Solutions also states that the archaeological provisions of Part 1 of the Historic Places Act 1993 are not triggered by DPC 79.

Submitters 1, 2, 5 and 6 have raised concerns about the potential loss of character and sense of place across Newtown as a result of the proposed rezoning. The existing dwelling on the site is well set well back from the street frontage and has low visibility from adjoining residential streets and limited visibility from Riddiford Street. Mr Gjerde. The Council's urban designer does not consider the dwelling to be an important part of the existing townscape character.

### ***Summary***

The demolition of the existing dwelling will not result in any loss of character or sense of place from Riddiford Street, Adelaide Road, Nikau Street or across Newtown. Therefore, the removal of the site from the pre-1930's demolition rule area and the rezoning to Centres Area, which would make demolition of the existing dwelling on the site a permitted activity, will have no more than minor effects on Newtown's townscape character.

## **4.3 Noise Effects**

### ***Issues raised in submissions:***

Submitters 1, 2 and 5 have raised concerns about the potential for an increase in adverse effects from noise of new development that would be facilitated by the proposed rezoning:

- Commercial developments generate noise effects and have a cumulative effect on the neighbourhood.
- Noise effects from air conditioning and ventilation systems are a concern as these utilities are often located on the rooftops of buildings.
- The noise generated by the air conditioning exhaust system at the rear of Ronald McDonald house is evident and when combined with the hum from the hospital has a negative impact. This will only increase with further commercial development, and the zoning change would bring this closer to surrounding residences.

### ***Discussion:***

The Inner Residential Area noise provisions are:

#### ***General Activity – Inner Residential Area***

*Monday to Sunday 7am to 10pm - 50dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 40dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 70dB LAFmax*

**Fixed Plant Noise**

*Monday to Sunday 7am to 10pm - 45dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 40dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 65dB LAFmax*

The Centres Area noise provisions are:

**General Activity – Centres Area**

*Monday to Sunday 7am to 10pm - 50dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 40dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 70dB LAFmax*

**Fixed Plant Noise**

*At all times - 55dB LAeq (15 min)*

*Monday to Sunday 10pm to 7am - 80dB LAFmax*

Rule 7.6.1.2.3 of the District Plan states that fixed plant noise in the Centres Area must comply with the general activity noise provisions for the Inner Residential Area.

The permitted day time (7am to 10pm) and night time (10pm to 7am) general activity noise limits are the same for noise received between sites in the Inner Residential Area and for noise emanating from a site in the Centres Area and received in the Inner Residential Area.

The main difference in permitted noise limits if the site remains Inner Residential Area or is rezoned Centres Area relates to noise limits applying to fixed plant. If the site is zoned Centres Area, the permitted daytime fixed plant noise limit that applies to noise received at adjacent residential sites will increase from 45 dBA to 50 dBA

The permitted night time fixed plant noise limit (7am to 10pm) will remain unchanged at 40 dBA. If the site is zoned Centres Area, the LAFmax limit that applies to noise received at adjacent residential sites will increase from 65 dBA to 70 dBA

To understand the concerns raised by submitters, Matthew Borich (Manager – Compliance and Advice) of the Wellington City Council assessed the issues raised in submissions and undertook background sound monitoring at the boundaries of the site. A report detailing his findings is attached as Appendix 3. The sound monitoring found that the daytime ambient noise levels already exceed the permitted noise limits in the District Plan and when combined with the high existing noise environment any increase in noise levels as a result of the proposed rezoning will be less than minor.

The 5 dBA increase in permitted daytime fixed plant noise will potentially affect 2 Nikau Street and 221 Adelaide Road as these properties do not currently adjoin the Centres Area. Mr Borich states that while an increase of 5 dBA is a noticeable increase, 50 dBA is still a conservative residential noise limit and is well within the 55 dBA upper recommended sound limit specified in the New Zealand Standard for Acoustics - Environmental Noise (NZS 6802:2008) for acceptable levels of daytime

noise received in residential areas. When assessed in the context of the existing noise environment the increase is considered less than minor.

The remaining properties adjoining the site (including 4 Nikau Street and 219A Adelaide Road) will not be affected by this increase as they already border the Centres Area. Mr Borich states that in a worst case scenario, these properties will experience an increase in daytime fixed plant noise of up to 3 dBA caused by cumulative noise from fixed plant at the site. Such an increase is just perceptible to the human ear and is considered negligible, particularly considering the high existing ambient noise levels.

The 5 dBA increase in LAFmax is unlikely to have any effect on the adjoining properties. LAFmax is the maximum measured sound level during a measurement period and relates to sound of a very short duration and therefore is not normally applicable to controlling fixed plant noise which generally generates a steady sound. 70 dBA is also within the recommended upper night time Lmax limits for NZS 6802:2008 to prevent sleep disturbance.

Submitters 1, 2 and 5 have raised concerns about the potential for cumulative noise effects from the addition of fixed plant on the site when combined with the hum from existing fixed plant in the area. However, the potential for cumulative noise effects on these properties is minor as the addition of fixed plant on the site must comply with the permitted daytime and night time fixed plant noise limits of 50 dBA and 40 dBA respectively at or within the boundary of the site. A new building development on the site will also be required to indicate its ability to comply with these standards. If the district plan noise limits cannot be complied with, a resource consent will be required.

Mr Borich states that the high existing noise environment is dominated by traffic noise from Riddiford Street and Adelaide Road. People noise from the nearby school and fixed plant noise from adjacent commercial uses such as Ronald McDonald House and the hospital also contribute to the high existing noise environment. The ambient daytime noise levels measured in the area already exceed the permitted daytime noise limits in the District Plan as stated above.

### ***Summary***

Rezoning the site to Centres Area will increase the permitted daytime fixed plant noise standard to 50 dBA for 2 Nikau Street and 221 Adelaide Road but there will be no change in the night time noise standards. When this change and any slight change possible from cumulative noise are put in context of the high existing noise environment, any potential increase in adverse noise effects as a result of the proposed rezoning will in my opinion, be less than minor.

## **4.4 Commercial Viability**

### ***Issues raised in submissions:***

- That a 12m tower at 42A Riddiford Street would take sun and privacy from Ascot Motor Lodge's courtyard. Submitter 5 is concerned that this would have an adverse economic effect on their business.

### ***Discussion:***

As a result of the proposed rezoning, there will be a marginal reduction in residential land (approx. 345sqm) and a marginal corresponding increase in the commercial land within the Newtown suburban centre.

Property Economics in its Economic Overview report (attached as Appendix 8 to the plan change application) states that:

- An approximately 345sqm loss of residential land supply is insignificant in context of the overall residential land supply in Newtown.
- An increase of approximately 345sqm to the existing commercial land supply and capacity within the Newtown suburban centre is negligible and will likely provide a range of economic benefits that will significantly outweigh any potential economic costs including increased commercial choice, increased local employment and additional commercial space.

Centres Areas provide for a range of permitted activities including residential development (above ground floor). Therefore, the loss of a residentially zoned site does not mean that residential development will not or cannot occur on the site.

Submitter 5 has raised concerns about the potential adverse economic effects of a 12m high building on their business. However, this is primarily a shading effect, and is discussed in further detail in Section 4.1 of this report (above), which deals with such effects.

### **Summary**

Given the sites relatively small size in the context of the wider Newtown suburban centre any potential adverse economic effects as a result of the proposed rezoning will be marginal. A number of net economic benefits have been identified that will outweigh any economic costs.

## **4.5 Traffic effects**

### **Issues raised in submissions**

- Submitter 6 raises concerns that the pressure of commercial development on residential areas is wider than this proposal. While the submitter does not state what this pressure is, it is inferred that it includes increased traffic and car parking as a result of the proposed rezoning.

### **Discussion:**

The relevant Inner Residential Area vehicle parking and site access provisions are:

- *1 car park per household unit*
- *Conversion of an existing building into two household units without provision of on-site parking,*

The relevant Centres Area Parking, Servicing and Site Access provisions are outlined below (summarised):

#### *Vehicle Parking*

- *All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Standard 3490.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking*

- *a minimum height clearance of 2.2m when carparking is provided within a building*
- *1 in 8 gradient for car parking circulation routes*
- *No open vehicle parking areas or parking at ground level at the front of sites where an active frontage is required (7.6.2.7 applies).*

*Servicing*

- *one loading area per site (turning paths based on the standard for a medium rigid truck*
- *a 3 metres wide by 9 metres long loading area (outdoors)*

*Site Access*

- *no new vehicle access across a primary frontage, (as identified in Planning Maps 46 to 49D)*
- *no vehicular access, closer to 20m from an intersection with a arterial or principal streets:*
- *maximum of one vehicle access across each frontage*
- *vehicle width crossing shall not exceed 6 metres*
- *All access must be designed to prevent vehicles queueing on the street.*

42A Riddiford Street has a 1.75m wide street frontage that provides pedestrian access to the existing residential dwelling on the site. The access leg is zoned Centres Area while the remainder of the site is zoned Inner Residential Area.

40 and 42 Riddiford Street both contain existing buildings. 42 Riddiford Street has an existing vehicle access to 1 off-street car park. 40 Riddiford Street has no vehicle crossing or off street car parking.

An Inner Residential Area zoning requires one on-site car park for each residential dwelling. However, no onsite car parking would be required if the site was redeveloped with a single residential unit or if the existing dwelling was converted into 2 residential units, as the site has existing use rights and no vehicular access.

There is no on-site car parking requirements for activities in the Centres Area. Where car parking is provided it must comply with a number of minimum requirements including the relevant New Zealand Standard. Rezoning to Centres Area would require the minimum standards for on-site servicing (loading) and site access to be met. Riddiford Street is identified as having a secondary frontage on Planning Maps 46 to 49D of the District Plan. This means new vehicle access is a permitted activity.

The plan change application was accompanied by a Transportation Assessment carried out by Harriett Fraser Traffic Engineering and Transportation Planning. The assessment describes the existing traffic and roading environment and outlines the potential effects of a number of redevelopment scenarios. The Transportation Assessment was reviewed by the Councils Traffic Team.

Both the applicants and Council's traffic planners assumed that the site had a restricted road frontage as identified on District Plan Maps 43 to 45 and a primary frontage as shown on District Plan Maps 46 to 49D. However, the site does not have a restricted road frontage and has a secondary frontage making new vehicle crossings to the site a permitted activity under the Inner Residential and Centres Area zones.

The principle characteristics of the immediate roading environment include:

- a range of P10, P15, P30 and P60 kerbside parking which is heavily used
- a main bus route north and south providing excellent public transport linkages to the Central City and outer suburbs
- a designated clearway (beginning north of the site) between 7-9am and 4-6pm Monday and Friday
- a busy principal road with heavy traffic flows
- the main pedestrian crossing (controlled by lights) to the hospital is just north of the site.

If the site was redeveloped in conjunction with 40 and 42 Riddiford Street under the current zoning (Inner Residential Area) the existing vehicle crossing at 42 Riddiford Street could be retained and used to provide vehicle access to the combined sites. The applicants Transportation Assessment states that this vehicle crossing could provide access to approximately 4 on-site car parks to the rear of the site and allow for the vehicles to turn and exit in a forward moving direction.

The existing vehicle crossing at 42 Riddiford Street could also be retained and used under the proposed Centres Area zoning to provide access to the combined site. The applicants Transportation Assessment states that this crossing could provide access to 10 on-site car parks with vehicles turning and exiting in a forward direction. These car parks would negate some of the off-site traffic effects associated with searching and occupying car parks but would increase the traffic activity across the footpath.

Under the Centres Area zoning, activities are required to provide onsite servicing (loading). The applicant's Transportation Assessment states that given the limited footprint of the combined site it is unlikely that this would be possible. If onsite servicing cannot be provided a resource consent would be required.

The site access and carparking provisions in the District Plan seek to minimise the effects of activities on the roading network. In the Centres Area, it is recognised that providing on-site car parking is not always possible. Where it can be provided, the District Plan specifies minimum standards that need to be met.

The rezoning of 42A Riddiford Street will enable the comprehensive redevelopment of all three sites owned by the applicant, providing a larger site that is more capable of providing onsite servicing and car parking than any one individual site. In addition, a redevelopment of the combined sites would potentially minimise the number of vehicle access crossings, provide for onsite turning and allow exiting of the site in a forward direction.

A larger combined site will have the advantage of being more likely to be able to provide onsite servicing, car parking while minimising site access points. However, the Council's Traffic Team have indicated that the location of the site(s) on a busy road and busy footpath, close to traffic lights means that it may be preferable to have less vehicular access to the site rather than more.

### **Summary**

There are a number of traffic issues that exist due to the busy nature of Riddiford Street and the sites close proximity to bus stops and a pedestrian crossing. These issues exist for the redevelopment of 40 and 42 Riddiford Street. Rezoning 42A Riddiford Street to Centres Area will not significantly increase the nature of those

effects. The rezoning will also allow a larger combined site that could potentially accommodate off street car parking, onsite servicing and vehicle turning.

The provision of on-site vehicle access will need to be weighed up against the effect of that access (existing or new) on the road and footpath and this can be done within the context of a specific application and can be managed through the provisions of the Centres Area when a specific development proposal is being considered.

Any potential adverse traffic effects as a result of the proposed rezoning will be minor.

## **4.6 Other issues**

### **4.6.1 Alternatives and provision of a specific proposal**

#### ***Issues raised by submitters***

- Submitter 4 believes there are many viable alternatives to the proposed rezoning and would like to be involved in discussing these to represent more interests than are currently being considered.
- The private plan change has little merit and denies better alternatives. Reaching an informed consensus might yield concrete ideas that could then be put back to the local community for a positive response.
- Submitter 6 states that the owner has other options for developing the site and welcomes development which is sensitive to its surroundings and the suburbs character heritage.
- Submitter 4 only objects to the plan change request in regards to the change of use aspects of the application (as opposed to the maximum height, bulk and location) in the absence of an actual scheme.
- Submitter 3 requests that specific plans be provided to show residential or low commercial development at the west side of the site.
- It is not appropriate to apply for a private plan change without an actual scheme that demonstrates the exact effects of what is being asked from the public. Submitter 4 cannot see the public interest being served by this open application (which should have at least a 3D representation provided to enable (visualisation)).
- Submitter 2 states that the owner of the site also owns properties adjacent to the proposed site that will allow for a larger scale development than has been indicated by the proposed zoning map.

#### ***Discussion***

The plan change request requires consideration of the appropriateness of changing the sites zone from Inner Residential Area to Centres Area and the potential adverse effects of that change. The Council has not yet received a site-specific proposal to redevelop the site.

The proposed rezoning will only facilitate residential and/or commercial development to take place on the site. If the plan change request is approved, a development in accordance with the Centres Area permitted activity standards could be undertaken. All new buildings and structures in the Centres Area require a resource consent and assessment against the Centres Area Design Guide. This

requirement ensures new buildings and/or structures achieve good urban design outcomes for Riddiford Street and adjoining properties. Any new building and/or structure on the site will require a resource consent as a restricted discretionary activity and if specific building and structure standards (e.g. if there is a non-compliance with a building recession plane) are not met a resource consent is required for that aspect of non-compliance.

Submitter 2 states that the proposed rezoning will allow larger-scale development than has been indicated on the map. As discussed above, this application is about considering the appropriateness of rezoning 42A Riddiford Street to a Centres Area zoning. In assessing the effects of this rezoning, consideration has been given to a possible redevelopment across all three sites. In this context, it is important to consider the likely potential adverse effects of a permitted development under the residential provisions and the effects of redevelopment that can occur on 40 and 42 Riddiford Street, which are already zoned Centres Area. This issue has been addressed in more detail in the Bulk and Location section of this report (4.1).

### ***Summary***

The application is for a change of zone rather than a specific development proposal. Consideration has been given to a range of potential adverse effects that may arise from permitted activities within the Centres Area. All new buildings and structures in the Centres Area require a resource consent. The resource consent process will address site-specific development issues and ensure good urban design outcomes.

#### **4.6.2 Shifting the interface of the Inner Residential Area and Centres Area zonings and establishment of a precedent**

##### ***Issues raised in submissions***

- The interface between Newtown's suburban centre and the adjoining Inner Residential Area zone has been a long established fixed point in the community. It fits the terrain and the existing bulk and location of structures and established land use patterns (Submitter 1).
- Submitter 1 states that shifting the interface needs to be carefully considered and should only happen where such changes suit the local context and its effects are welcomed by all the adjoining neighbours both residential and commercial.
- A stable interface is critical to the success of a vital community (Submitter 1).
- The property was purchased as being a residential zone and should remain so (Submitter 2).
- The current zoning would allow the existing building pattern to continue with lower development behind (Submitter 5).
- The interface should follow the topography and remain along the (higher) line as at present (Submitter 5).
- The proposed rezoning will undo the protection the District Plan currently provides local residents (Submitter 1).

- Attempting to rezone an existing residential area is in effect 'shifting the goal posts' (Submitter 2).
- The proposed rezoning will be an extension of commercial activity into the residential zone that sits above the commercial activities along Riddiford Street (Submitter 5).
- Submitter 1 is concerned about the immediate effects of the proposed rezoning and the precedents that might be established, including future decisions.

### ***Discussion***

The RMA provides a process for changing the District Plan and a change can be initiated by Council or private requesters. A district plan is not a static document and the zonings and provisions within the district plan will change overtime. Each plan change is assessed on its merits and a precedent is unlikely to be set as a result of the proposed rezoning.

The site is at the interface of the Inner Residential Area and Centres Area zones and is located close to the Wellington Hospital and Newtown's suburban centre. It adjoins Centres Area zoned land on three sides and residentially zoned land on three of its boundaries. A number of new developments have occurred along Riddiford Street in recent years (e.g. Ronald McDonald House) and the area contains a range of residential and commercial activities, including convenience stores, apartments, motels and medical related activities.

The Centres Area zoning allows a range of activities including mixed-use developments that incorporate both commercial and residential uses. The Centres Area provisions also provide additional restrictions (as discussed in the Bulk and Location section of this report (4.1)) on buildings adjoining a residential zone to minimise the effects of larger commercial buildings.

A number of submitters have raised the issue that the topography of the site, which is higher than surrounding Centres Area zoned land, makes it more appropriate for residential development. The differences between the Inner Residential Area and Centres Area provisions relating to bulk and location have been extensively discussed in the Bulk and Location section of this report (4.1). An additional provision to mitigate the particular effect of the sites elevation on adjoining residential properties has been proposed.

### ***Summary***

The district plan is not a static document and will change over time. The site is located at the interface of the Inner Residential Area and Centres Area zones. The Centres Area provisions and the additional height restriction recommended for the site will result in the mitigation of any potential adverse effects resulting from the Centres Area/Inner Residential Area interface. Consideration of the application on its merits will not result in a precedent being set.

## **5. Conclusion**

Private Plan Change 79 proposes to rezone 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area (Neighbourhood).

The plan change also includes the following key changes:

- Removing the site from the 'Areas Subject to Special Building Standards' overlay.
- Removing the site from the 'Newtown pre-1930s demolition rule area'.

5 original submissions and 1 further submission were received on the plan change. All matters raised in submissions have been considered in this report to the Independent Hearings Committee.

The main potential adverse effects of the proposed rezoning are bulk and location, traffic and noise.

It is considered that any potential adverse effects in terms of bulk and location will be sufficiently mitigated by the combination of permitted bulk and location requirements for the Centres Area, the need for a resource consent and assessment of any new buildings and/or structures against the Centres Area Design Guide, as well as the provision of a new site specific rule to limit maximum building height to 9m.

Rezoning 42A Riddiford Street to Centres Area will not significantly increase any potential adverse traffic effects. The rezoning will also allow a larger combined site that could potentially accommodate off street car parking, onsite servicing and vehicle turning.

Rezoning the site to Centres Area will increase the permitted daytime fixed plant noise standard to 50 dBA for 2 Nikau Street and 221 Adelaide Road but there will be no change in the night time noise standards. When this change and any slight change possible from cumulative noise are put in context of the high existing noise environment, any potential increase in adverse noise effects as a result of the proposed rezoning will in my opinion, be less than minor.

Overall, it is recommended that the plan change request be approved subject to the following condition:

- A maximum building height of 9m above existing ground level.

*Contact Officer: Nicole Marshall, Planning Officer - District Plan Team*

## Appendix 1. Proposed Wording

<b>Key to Changes</b>	
Abcdefghijklmnop	Operative unaltered text
<b>Abcdefghijklmnop</b>	Text recommended to be added

### 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:

<b>Centre</b>	<b>Height (standard 7.6.2.1.1)</b>	<b>Planning Map No.</b>
<b>Sub-Regional Centres</b>		
Johnsonville • Zone1 • Zone2	See Appendix 1 for Zone Boundaries 12m 23 18m 23	
Kilbirnie	12m	6
<b>Town Centres</b>		
Karori	12m	11
Miramar - Miramar Ave, Park Road, cnr of Rotherham Terrace and Para Street	12m	7
Mt Cook (Adelaide Road) • Zone1 • Zone2	See Appendix 1 for Zone Boundaries 12m 6/16 18m 6/16	
Newtown	12m	6
<b>Lot 1 DP 9703 (42A Riddiford Street, Newtown)</b>	<b>9m</b>	<b>6</b>
Tawa	12m	30
<b>District Centres</b>		
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
<b>Neighbourhood Centres</b>		
Aro Valley	9m	11/16
Berhampore	12m	6
Berhampore - 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

## **Appendix 2. Summary of Submissions and Further Submission**

# PROPOSED DISTRICT PLAN CHANGE 79: *Rezoning 42A Riddiford Street, Newtown*



## Summary of Submissions

***Disclaimer:** This document provides a summary of the decisions requested by persons making submissions on Wellington City Council's Proposed District Plan Change 79 – Rezoning 42A Riddiford Street, Newtown. Whilst every possible care has been taken to provide a true and accurate summary, the information contained in this document is not required by the Resource Management Act 1991 to provide a full account of the submissions received. Accordingly, readers wishing to understand the submissions are advised to refer to the full copy of the original submissions, available upon request.*

August 2015

Submission No.	Name	Address for Service	Wishes to be heard
1	Newtown Residents' Association	c/o Rhona Carson PO Box 7316 Wellington 6242	Yes

## Submission

The submitter opposes the plan change request for the following reasons:

### Overview

- the immediate effects of the proposed rezoning and the precedents that might be established.
- the interface between Newtown's suburban centre and the adjoining Inner Residential Area has been long established. Shifting the interface needs to be carefully considered and should only happen where such changes suit the local context and its effects are welcomed by all the adjoining neighbours.
- the current zoning fits with the terrain and the existing bulk and location of structures and established land use patterns.

### Zone boundaries

- the proposed rezoning does not take into account the fact that the site and the residential lots along Adelaide Road and Nikau Street occupy the higher ground overlooking the properties at the lower level on Riddiford Street.
- the current zoning protects the character and scale of the adjoining residential area by giving a buffer to the taller buildings and more commercial activities of the Centres Area zoning.

### Height limits, daylight envelope and site coverage

- the Inner Residential Area daylight envelope rules provide the adjoining residential properties with an expectation of sunlight and sky outlook that is completely bypassed by the proposed rezoning.
- a 12m high building even offset by 5m from the residential boundary would significantly shade adjoining properties and change their outlook.
- the increased height allowed by the proposed rezoning will be exacerbated by the fact that the site is already on high ground, increasing the impact on the surrounding residences.

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> <li>• the existing 12m buildings along Riddiford Street can be tolerated as they are at a lower level than the residential properties.</li> <li>• the current zoning restricts site coverage and provides greater protection for residential properties resulting in development with more open space and greenery.</li> <li>• the full site coverage allowed by the proposed rezoning will increase the dominant impact of a commercial building.</li> <li>• the proposed rezoning will undo the protection the District Plan currently provides local residents.</li> </ul> <p><b>Pre-1930's demolition</b></p> <ul style="list-style-type: none"> <li>• the existing dwelling on the site is a Victorian dwelling of special simple character and has a streetscape presence. It is viewable from multiple vantage points and is the sort of structure that the pre 1930's demolition/renovation controls were introduced to protect.</li> </ul> <p><b>Effects of noise on adjoining properties</b></p> <ul style="list-style-type: none"> <li>• commercial developments generate noise effects and have a cumulative effect on the neighbourhood. The noise generated by the air conditioning exhaust system at the rear of the Ronald McDonald house is evident and when combined with the hum from the hospital has a negative impact.</li> </ul> <p><b>Decision requested</b></p> <p>That the Council reject the plan change request.</p>			
2	Steve Dunn	1 Nikau Street Newtown Wellington 6021	Yes
<p><b>Submission</b></p> <p>The submitter opposes the plan change because:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p><b>Overview</b></p> <ul style="list-style-type: none"> <li>the proposed rezoning will change permitted height and bulk, result in loss of residential amenity and will be an extension of commercial activity into the residential zone that sits above the commercial activities along Riddiford Street.</li> <li>it will be large out of character/size development being built up to their boundary, eroding Newtown's character.</li> <li>the existing dwelling on the site has been left abandoned for years and is a case of demolition by neglect.</li> </ul> <p><b>Boundary between zones</b></p> <ul style="list-style-type: none"> <li>the Inner Residential Area/Centres Area zone interface should follow the topography and remain along the (higher) line as at present.</li> <li>the current zoning protects the character and scale of the adjoining residential area by giving a buffer to the taller buildings and more commercial activities of the Centres Area zoning.</li> <li>the current zoning would allow the existing building pattern to continue with lower development behind.</li> </ul> <p><b>Future height of buildings</b></p> <ul style="list-style-type: none"> <li>the proposed rezoning will allow a 12m building height compared to the current building height of 9m and will impact on the residential amenity of the area because the ground level rises up, well above the Riddiford Street level.</li> </ul> <p><b>Bulk and location</b></p> <ul style="list-style-type: none"> <li>the current zoning provisions result in a more open development both in building form and limited coverage. It also forms a buffer to commercial activities and full site coverage allowed in the Centres Area zoning.</li> </ul> <p><b>Effects on the development potential for adjoining properties</b></p> <ul style="list-style-type: none"> <li>the current low rise construction has a positive effect on the immediate area, allowing sunlight access to the Nikau Street walkway and the residential houses that border it. The current zoning therefore gives an added buffer/protection to the surrounding residential area by limiting development to the wider environment not just 40 and 42 Riddiford Street.</li> </ul>			

Submission No.	Name	Address for Service	Wishes to be heard
<p><b>Effects of noise on adjoining properties</b></p> <ul style="list-style-type: none"> <li>cumulative noise effects from redevelopments in the area are already having an impact on the adjoining properties, such as that from the air conditioning system at the rear of the Ronald McDonald house and the hum from the hospital across the road.</li> </ul> <p><b>Decision requested</b></p> <p>That the Council reject the plan change request.</p>			
3	Nigel Knowles	1A Kingsley Place Richmond Nelson 7020	No
<p><b>Submission</b></p> <p>The submitter opposes the plan change request because:</p> <ul style="list-style-type: none"> <li>the height of commercial development will result in a loss of privacy, sunlight and views.</li> </ul> <p><b>Decision requested</b></p> <p>That the Council reject the plan change request and/or request specific plans from the applicant that show what residential or low commercial development on the western side would look like.</p>			
4	Ailsa Stuart and Phil Redican	4 Nikau Street Newtown Wellington 6021	Yes
<p><b>Submission</b></p> <p>The submitter opposes the plan change request for the following reasons:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> <li>• the proposed rezoning will ‘erode’ the Newtown residential precinct and its architectural character.</li> <li>• the dwelling at 42A Riddiford Street has architectural merit however it has been allowed to fall into a state of disrepair, presumably to facilitate demolition as an option.</li> <li>• the property was purchased as being in a residential zone and should remain so.</li> <li>• their property will be adversely affected by the potential bulk, height and proximity to the boundary of any building allowable under the proposed rezoning.</li> <li>• the building recession plane under the proposed rezoning will offer little protection to their house and the neighbouring properties due to loss of sunlight.</li> <li>• the ‘basic rights bestowed to homeowners’ regarding height control and building recession planes will be removed.</li> <li>• combining the site and the other properties owned by the applicant will create the potential for a large scale development which will erode the Newtown character.</li> <li>• noise effects from air conditioning and ventilation systems are also a concern as these utilities are often located on the rooftops of buildings.</li> </ul> <p><b>Decision requested</b></p> <p>That the Council reject the plan change request.</p>			
5	Ascot Motor Lodge	c/o Peter and Toshiko Chalmers 46-48 Riddiford Street Newtown Wellington 6021	Yes
<p><b>Submission</b></p> <p>The submitter opposes the plan change request for the following reasons:</p> <ul style="list-style-type: none"> <li>• the maximum height of 12m is high in the context of the hillside given the great height above Riddiford Street. A building of that height at 42A Riddiford Street could severely affect the commercial interests of Ascot Motor Lodge.</li> <li>• a 12m tower would be out of context in the neighbourhood and offend sightlines around them, particularly from up and down Nikau Street,</li> </ul>			

Submission No.	Name	Address for Service	Wishes to be heard
			<p>Adelaide Road, Riddiford Street and the hospital.</p> <ul style="list-style-type: none"> <li>• a 12m tower on the hillside would take sun and privacy from Ascot Motor Lodge’s courtyard and have a negative effect on the economic viability of their business.</li> <li>• the proposed rezoning will not result in the optimal use of the site, especially in combination with the other two properties owned by the applicant.</li> <li>• it is not appropriate to apply for a private plan change without a scheme that demonstrates the effects of what is being asked from the public.</li> <li>• they only object to the change of use aspects of the application (as opposed to the maximum height, bulk and location) in the absence of an actual scheme.</li> <li>• there are many viable alternatives to the proposed rezoning which the submitter would like to have involvement in to represent more interests than are apparently being considered.</li> <li>• the private plan change has little merit as it seems to be denying better alternatives and is likely to produce lesser results more slowly and expensively for all parties than could be achieved by sitting down to reach an informed consensus that might yield concrete ideas that could then be put back to the local community for a positive response.</li> </ul> <p><b>Decision requested</b></p> <p>That the Council reject the plan change request.</p>

# District Plan Change Submission Form - Change 79

1.

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## Your details

**First Name:**

Catherine

**Last Name:**

Zwartz

**Street Address:**

19 Donald McLean Street

**Suburb:**

Newtown

**City:**

Wellington

**Phone:**

04 970 6090

**Email:**

Kate.Zwartz@clear.net.nz

## Address for service of person making submissions

**First name**

**Last name**

**Address for service**

## Trade competition and adverse effects

Could you gain an advantage in trade competition through this submission?

No

Are you directly affected by an effect of the subject matter of the submission that:

(a) adversely effects the environment?

(b) doesn't relate to the trade competition or the effects of trade competitions?

## Your submission

*EITHER* upload your submission here, making sure that you:

**OR** you can fill in the fields below with your submission:

State the specific provisions of proposed District Plan Change 79 that your submission relates to.

Rezoning of 42A Riddiford Street, Newtown

**State whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views.**

I oppose the rezoning of 42A Riddiford Street from Residential to Centres.

I commute daily along Riddiford Street, and also live on the edge of a 'Centres' zone. The pressure of commercial development on residential areas is wider than this proposal. We are also expecting to lose character buildings at the south end of Riddiford Street, from the proposed Salvation Army development.

Loss of sunlight, out-of-scale bulk, and creeping commercial use of residential zones are the basis of my objection.

Another reason is the united opposition of all the other submitters. The proposed plan change is clearly not welcomed by the neighbours.

The owner has other options for developing this site, and I welcome development which is sensitive to its surroundings and our suburb's character heritage.

**What decision do you want the Council to make? (please give precise details)**

I would like the Council to reject the plan change request.

## **Oral hearing**

**Do you want to be heard in support of your submission?**

Yes

## **Joint cases**

**If others are making a similar submission, do you want to consider presenting a joint case with them at the hearing?**

## Appendix 3. Noise Assessment

# Noise Assessment

## Proposed District Plan Change 79

### Introduction

The Council recently notified a private plan change to rezone a site at 42A Riddiford Street, Newtown from Inner Residential Area to Centres Area. The applicant also owns the two sites at 40 and 42 Riddiford Street. Rezoning of the site would potentially allow the redevelopment of the three sites together.

Council has received 6 submissions in opposition mainly from adjoining landowners but also from the Newtown Residents Association.

The issue that has been raised is the potential for cumulative effects of noise as a result of a new commercial development, in particular, the potential for noise to emanate from fixed plant such as ventilation systems that may be placed on the roof of any new building. The submitters have indicated in their submissions that noise from the hospital and Ronald McDonald House already adversely affects their residential amenity.

This report will discuss the noise limits that apply currently (what is currently allowed as of right) between the Inner Residential Area sites and the potential difference in effects from noise that would be permitted if 42A Riddiford Street is rezoned Centres Area. The report will also discuss cumulative effects of noise and the current noise environment in the area.

### Executive Summary:

This report has assessed the effects arising from the possible increase in permitted noise levels if 42A Riddiford Street is rezoned Centres Area.

Noise emanating from all the mechanical plant situated at 42A Riddiford Street must comply in its entirety at the closest residential sites. Noise levels emanating from the mechanical plant would be highest at immediately adjacent sites, with sound levels reducing with distance and potential screening at the other residential sites. Therefore, this report concentrates on the possible effects from the proposed rezoning at the immediately adjacent Inner Residential Area sites of 2 Nikau Street, 4 Nikau Street, 219A Adelaide Road and 221 Adelaide Road. Possible effects at other sites from increased noise would be negligible.

The only increase in permitted noise limits relating to a rezoning to Centres Area applies to daytime noise limits. Night-time noise limits would remain the same as currently specified for Inner Residential Area areas. Therefore, there are no possible effects from increased noise at night if the site is rezoned.

4 Nikau Street and 219A Adelaide Road already border the Centres Area zone and district plan noise limits at these sites will remain unchanged. Therefore, the only

possible increase in noise effects at these sites is the contribution to cumulative noise possible by rezoning 42A Riddiford Street to Centres Area. A worse case increase in noise levels received at these sites during the day is a potential increase of up to 3 dBA. An increase of 3 dBA is just perceptible to the human ear.

2 Nikau Road and 221 Adelaide Road currently do not directly border the Centres Area. This would change if 42A Riddiford Street is rezoned Centres Area. For these properties, the night time noise limits would remain the same however the permitted daytime limits for mechanical plant will increase by 5 dBA to 50 dBA if 42A Riddiford Street is rezoned. An increase of 5 dBA is a noticeable difference.

50 dBA is still a conservative residential noise limit and is well within the upper recommended noise limit specified in the New Zealand Standards, NZS 6802:2008 for acceptable levels of daytime noise received in the residential areas. Whether it is a suitable daytime noise limit for mechanical plant in this area must be considered in the context of the existing noise environment.

The ambient daytime noise levels in the area are dominated by traffic on Adelaide Road and Riddiford Street. Daytime ambient noise levels measured outside 4 Nikau Street were 50 dBA (L90) and 53 dB LAeq (10min). At the front of 221 Adelaide Road the ambient noise levels were 46 dBA (L90) and 63 LAeq (10min), at the rear of 221 Adelaide Road the levels were 46 dBA (L90) and 49 dBA (L90). In this noise environment, a noise limit of 50 dBA is clearly acceptable.

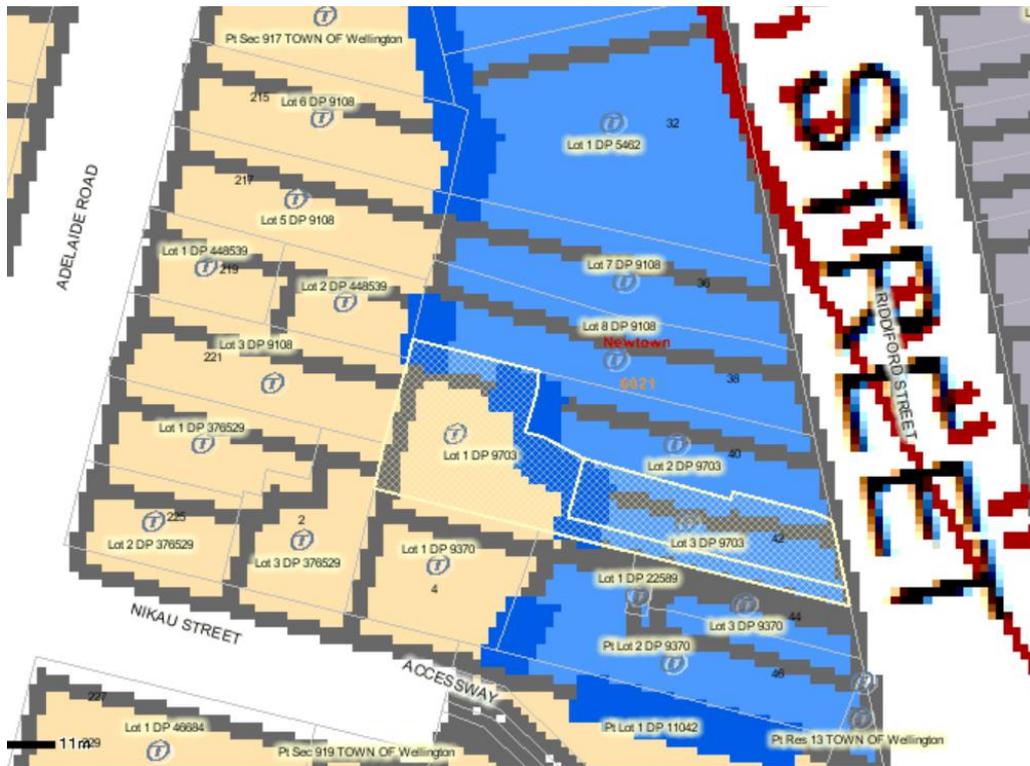
In summary the ambient daytime noise levels in the area already exceed the permitted district plan daytime noise limit. Only a slight increase in permitted noise levels during the day is possible if 42A Riddiford Street is rezoned. When this slight increase is put in the context of the high existing noise environment, any potential increase in effects from the operation complying mechanical plant at a rezoned 42A Riddiford Street will be negligible at all adjacent sites.

## **The Site**

42A Riddiford Street is currently zoned Inner Residential Area with immediately adjacent Inner Residential sites at 2 Nikau Street, 4 Nikau Street, 219A Adelaide Road and 221 Adelaide Road.

42A Riddiford Street and immediately adjacent residential sites are exposed to traffic noise from Adelaide Road and Riddiford Street and noise emanating from adjacent commercial uses, including the hospital.

## Location of Site



### Noise Limits that apply currently to the Site:

Noise emanating from “all” the mechanical plant situated at 42A Riddiford Street must comply in its entirety within the boundary of the closest residential sites. Noise levels emanating from all the mechanical plant at 42A Riddiford Street would be highest at immediately adjacent sites, with noise levels reducing with distance and potential screening at the other residential sites. Therefore, this report concentrates on effects at the immediately adjacent Inner Residential sites of 2 Nikau Street, 4 Nikau Street, 219A Adelaide Road and 221 Adelaide Road.

The noise limits that currently apply for any non-residential activity in the residential area situated at 42A Riddiford Street when received within the boundary of the immediately adjacent Inner residential sites are:

- 5.6.1.1.1 Noise emission levels from any non-residential activity occurring with a Residential Area, when measured at or within the boundary of any site other than the site from which the noise is emitted in Residential or Rural Areas, must not exceed the following noise limits:

#### Inner Residential Area and Medium Density Residential Areas

<i>Monday to Sunday</i>	<i>7am to 10pm</i>	<i>50dB L<sub>Aeq</sub> (15 min)</i>
<i>Monday to Sunday</i>	<i>10pm to 7am</i>	<i>40dB L<sub>Aeq</sub> (15 min)</i>
<i>Monday to Sunday</i>	<i>10pm to 7am</i>	<i>70dB L<sub>AFmax</sub></i>

The noise limits that currently apply for any mechanical plant situated at the 42A Riddiford Street when received within the boundary of the immediately adjacent Inner Residential Area sites are:

### 5.6.1.2 Fixed Plant Noise

5.6.1.2.1 Noise emission levels from any residential or non-residential activities occurring within a Residential Area resulting from noise associated with power generation, heating, ventilation or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within the boundary of any site, other than the site from which the noise is generated, in a Residential and Rural Areas shall not exceed the following limits:

#### **Inner Residential Area and Medium Density Residential Areas**

<i>Monday to Sunday</i>	<i>7 am to 10 pm</i>	<i>45dB L<sub>Aeq</sub> (15 min)</i>
<i>Monday to Sunday</i>	<i>10pm to 7am</i>	<i>40dB L<sub>Aeq</sub> (15 min)</i>
<i>Monday to Sunday</i>	<i>10pm to 7am</i>	<i>65dB L<sub>AFmax</sub></i>

The daytime noise limit specified for noise received from mechanical plant is 5 dBA lower than that specified for non residential activities. This is a very stringent daytime noise limit. This stringent limit prevents any potential effects of cumulative noise from mechanical plant and “creeping background noise” in residential areas by ensuring sound levels remain well within the recommended daytime levels for residential areas. The addition of two equivalent sound levels results in an increase of 3 dBA as dBs are logarithmic values. 45 dBA plus 45 dBA equals 48 dBA. The New Zealand Standard, NZS 6802:2008, Environmental noise recommends upper daytime time levels in residential areas of 55 dBA.

The night time limit specified for mechanical plant is 40 dBA, which is a very stringent night time level. The New Zealand Standard, NZS 6802:2008, Environmental noise recommends upper night time limits in residential areas of *45 dBA L<sub>Aeq</sub> (15min)* so that people can sleep with windows open for ventilation and achieve desirable indoor noise levels that protect against sleep disturbance.

### **Rezoning the Site to Centre:**

If the site is zoned Centres Area the following noise limits apply:

**Noise (emitted within Centres received in other Areas)**

7.6.1.1.5 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 / Areas of Change**

Monday to Sunday	7am to 10pm	50dB L <sub>Aeq</sub> (15 min)
Monday to Sunday	10pm to 7am	40dB L <sub>Aeq</sub> (15 min)
Monday to Sunday	10pm to 7am	70dB L <sub>AFmax</sub>

Table 1: Change to Permitted Noise Limits from Rezoning the Site Centre.

Property	Current Limit Day LAeq (15min)	Rezone Limit Day LAeq (15min)	Increase in Limit	Increase in Effects	Current Limit Night LAeq (15min)	Rezone limit Night LAeq (15min)	Increase in Limit	Increase in Effects
219A Adelaide Road	50	50	0	none	40	40	0	none
221 Adelaide Road	45	50	5	slight	40	40	0	none
2 Nikau Street	45	50	5	slight	40	40	0	none
4 Nikau Street	50	50	0	none	40	40	0	none

The sound limit for the most sensitive time, night time (10pm to 7am ) is unchanged and remains at the very stringent limit of 40 dB LAeq (15 min).

The LAF max which controls sound of a very short duration, such as noise emanating from a smashed glass is increased from 65 dB to 70 dB. This is still well within acceptable residential guidelines and the L max is not really applicable to most plant noise which is generally a steady sound.

Therefore, if 42A Riddiford Street was rezoned to Centres Area and the mechanical plant at 42A Riddiford Street complies with the District Plan limit, any noise effects at night remain unchanged and will be negligible at all adjacent sites.

The only increase in sound limit that requires consideration is the daytime noise limit which has been increased from 45 dB LAeq (15 min) to 50 dBA LAeq (15 min) at some sites. A 5 dBA increase is a noticeable increase in noise level. The reason

slightly higher daytime noise limits are specified for mechanical plant where Centres (commercial areas) border Inner Residential Areas is that higher background noise levels can be expected where a residential area meets a commercial area, as shown in this case, and these areas cannot be expected to be afforded the same protection as the quieter residential sites completely surrounded by residential uses. In this instance, the adjacent residential sites already border the Centres Area and will be exposed to these higher ambient levels.

50 dBA is generally considered a conservative residential noise limit. 50 dBA is the same limit recommended in the Inner Residential rules for general non-residential activities and is well within the upper recommended sound limit specified in the New Zealand Standards, NZS 6802:2008 for acceptable levels of daytime noise received in the residential area.

Consideration must also be given to the potential for noise emanating from mechanical plant at 42A Riddiford Street that complies with the 50 dBA noise limit at 2 Nikau Street, 4 Nikau Street, 219A Adelaide Road and 221 Adelaide Road increasing noise levels at these sites and the likely effect.

This will depend on the current noise levels at these sites. If the noise levels at these sites already exceed 50 dBA the effects from increased noise emanating from complying mechanical plant at 42A Riddiford Street will be negligible, with a maximum increase of 2 dBA possible.

If an adjacent site is currently receiving a noise level of 50 dBA from mechanical plant from other commercial sites and a complying 50 dBA from noise emanating from mechanical plant at rezoned 42A Riddiford Street, the noise level would increase by 3 dBA to 53 dBA. An increase in noise level of 3 dBA is just perceptible to the human ear.

4 Nikau Street and 219a Adelaide Road already border the Centres Area Zone and a noise limit of 50 dBA applies. Worst case cumulative noise from the addition of mechanical plant at a rezoned 42A Riddiford Street could result in an increase in noise levels during the day of 3 dBA which is just perceptible. Night time noise limits if 42A Riddiford Street is rezoned Centres Area remain the same.

2 Nikau Road and 221 Adelaide Road currently do not directly border the Centres Area, however if 42A Riddiford Street is rezoned Centres Area then 2 Nikau Road and 221 Adelaide Road would directly border a Centres Area zoned site as it adjoins 42A Riddiford Street. For these properties, the night time noise limits remain the same but the permitted daytime noise limits for mechanical plant will increase by 5 dBA to 50 dBA. An increase of 5 dBA is a noticeable difference. To ascertain the level of effect cognisance must be given to the current noise environment in the area.

Ambient noise readings were undertaken between 2pm and 3pm on Friday 25<sup>th</sup> September 2015.

### Front boundary 221 Adelaide Rd

- 63 dB LAeq (10min)
- 46 dB L90

Ambient noise was dominated by traffic passing up and down Adelaide Road.

### Back of 221 Adelaide Rd

- 49.0dB LAeq (2min)
- 46dB (LA90)

Ambient noise was dominated by traffic passing up and down Adelaide Road and fan noise from Ronald McDonald House.

### Outside 4 Nikau Street

- 53 dB LAeq (10min)
- 50 dB LA90

Ambient noise was dominated by traffic passing up and down Riddiford Street, with traffic noise from Adelaide road and people noise from the nearby school was audible.

The ambient daytime noise levels in the area already exceed permitted District Plan daytime noise limits. When the possible increase in permitted noise levels at 2 Nikau Road and 221 Adelaide Road are put in the context of the high existing noise environment, effects will be negligible.

Table 2 Potential Cumulative Noise Effects from Rezoning the Site

Property	Rezone Limit Day LAeq (15min)	Current Ambient Noise Day	Cumulative noise level	Noise Level Increase (dBA)	Potential Increase of Total noise
219A Adelaide Road	50	49	53	3	slight
221 Adelaide Road	50	49	53	3	slight
2 Nikau Street	50	53	55	2	negligible
4 Nikau Street	50	53	55	2	negligible

In conclusion, only a slight increase in permitted noise levels during the day is possible if 42A Riddiford Street is rezoned. When this slight increase is put in the context of the high existing noise environment, any potential increase in effects from the operation of complying mechanical plant at a rezoned 42A Riddiford Street will be negligible at all adjacent sites.

Matthew Borich: Environmental Noise: 28/9/2015

## Appendix 4. Urban Design Assessment

### 1.0 Site Description

The site is located at 42a Riddiford Street, Newtown, and contains an existing house. The subject site is a rear lot accessed on foot via a pathway from the street.

The applicant owns two adjacent properties at 42 and 40 Riddiford Street. The author has visited the area to view the site from publicly accessible areas, but has not been onto the subject site itself.

### 2.0 Zoning

The subject site is zoned *Inner Residential*, with two adjacent sites at 40 and 42 Riddiford Street owned by the applicant zoned *Centres Area*.

To the south and west lie residential properties, with many properties within the wider block containing an interface between residential and commercial land. The line between zones generally falls to a common boundary in the middle of the block. The subject site is the only lot within the block bounded by Nikau Street, and has no street frontage or typical front/back condition to make a neat, clear distinction between zones.

The site has little street presence and is landlocked by adjacent properties save the access leg. The property has no vehicle access making the prospect of redevelopment more challenging than road frontage properties (in terms of inherent value as well as construction access).

### 3.0 The application

The purpose of the application is to rezone the subject site from an Inner Residential Area to a Centres Area. This would enable potential redevelopment of two adjoining sites (with Centre Area zoning) also owned by the applicant.

The change in access and general design flexibility arising from a larger parcel size is advantageous for all the applicant's sites, in particular the subject site given its limited street access and back lot location. If all sites were amalgamated, external site boundaries would be continuously aligned. However, as a particular proposal has not been offered any one scenario is not assured.

I have read the streetscape character assessment prepared by Mr. Morton Gjerde dated 26 May 2015 and agree with its findings. Like Mr. Gjerde, it is my opinion that the existing house is barely visible from surrounding residential streets and as such contributes little in terms of appreciable streetscape amenity. Should the properties at 40 and 42 Riddiford Street be redeveloped it would not be visible from the one vantage point where it can be seen at present.

I have not assessed the quality of physical fabric of the existing house, or whether it is economically viable to retain, other than to say it presents in a visually poor condition, as does 42 Riddiford Street.

#### **4.0 Methodology**

To assess the urban design effects of this application I:

- i. Examine the difference between specific development controls by zone, and
- ii. Consider how these rules operate as a package, and what non-fanciful effect(s) they might generate on adjoining properties, and
- iii. Recommend methods to mitigate effects
- iv. Assess findings against submissions
- v. Reach an overall conclusion

In relation to the application documents, drawings prepared by Longbeach Drafting do not illustrate the maximum extent of possible building envelope permitted under residential provisions if the site's development potential were maximised

Drawings prepared by Moore Design and Draughting (dated 20-10-2015) contain a composite sheet (RC-05) that illustrates (in red) the difference between the height to boundary recession plane of the inner residential zoning and the 5m setback of the Centres Area zoning. These images would benefit from showing the additional 3m height enabled by a change to Centres Area zoning to provide a more a balanced visual assessment of potential bulk

#### **5.0 Assessment**

##### **5.1 Development Controls**

The effect of this application has potential to alter the actual or perceived neighbourhood character of Newtown due to changes in what may be built on the site. This is in large part determined by permitted development controls for the Inner Residential Area zone and the Centres Area zone.

Specific development controls that apply to the subject site for the Inner Residential Area include:

1. No yard requirement except for:
  - a minimum 1m yard from a building on an adjoining site;
2. a minimum 1m yard to any open space to the rear of the building recession plane of 2.5m vertically, and 63° to the west, or 45° to the south
3. 35m<sup>2</sup> open space
4. Site coverage 50%
5. Maximum building height 9m

By comparison if the subject site were rezoned Centres Area- and in the absence of any specific proposal- these same controls would become:

1. No yard requirement
2. Building recession plane – Inner Residential Area on adjoining residential boundaries and a maximum building height of 3m within 5m of a residential boundary
3. No open space requirements
4. Site coverage 100%
5. Maximum building height 12m

#### **5.1.1 Yard/ setbacks (at boundary):**

The proposed change in yard from 1.0m (residential) to 0.0m is significant for residential properties as rule 5.6.2.2.8 enables a building to be built immediately on the south boundary for its entire length.

A potential outcome under the Centres Area provisions could be a blank concrete wall at the boundary rather than an open boundary or a fence with space beyond. This would detract from residential amenity and the anticipated neighbourhood character for adjoining houses. A continuous building on the boundary would also remove any sense of spaciousness between adjacent properties that a residential zone would create.

Should the site be rezoned to Centres Area I believe an appropriate interface should be provided. Such an interface could be a ground floor setback with landscaping (maintained) of 2.0m where the site adjoins any residential property. Two meters would be sufficient to address the issues of additional building bulk and loss of spaciousness should the subject site be developed as a larger contiguous building with other lots on Riddiford Street (No's 40 and 42). A 2m strip allows for a nominal landscaped strip against the boundary as well as circulation for both building and garden maintenance, and is included as a recommendation.

Overall, in my opinion the ability to build a commercial or mixed use building immediately on the boundary under the Centres Area provisions creates effects that could be more than minor. However these effects can be mitigated as described above and recommendations set out in section 5.3 below.

#### **5.1.2 Recession Plane/ setbacks (inset from boundary)**

The provisions of the Residential and Centres Area and their respective distances for bulk in relation to boundary create different spatial outcomes when viewed from adjacent properties.

The Inner Residential Area zoning of 42A Riddiford Street means that for properties west of the site, a 63° recession plane applies and a future residential building built to the maximum height of 9.0m would be located approximately 3.0m from the western boundary (average). Note: where no yard requirement applies a residential building of 2.5m high could be located on the boundary)

If the site is zoned Centres Area, the proposed maximum height of 12.0m would require a setback of approximately 4.0m to comply with daylight admission to adjacent properties. However,

Centres Area zoning also requires that no building be greater than 3m high within 5.0m of any residential boundary. Therefore a zone change would benefit adjacent properties in terms of building setback.

For properties south of the site, a 45° recession plane means a future 3 level building built with a maximum height of 9.0m would be located approximately 1.0m from the southern boundary for level 1, 2.5m for level 2 and 5.5m for level 3 (approximately). The proposed change to a Centres Area zone, allowing 12.0m, would still require compliance with the relevant Inner Residential building recession plane

Centres Area zoning requires that no building is more than 3m high within 5m from any residential interface *and* compliance with the recession plane. The change in zone to Centres as proposed creates little effect in terms of building setback to the property to the south, and for the most part is advantageous in requiring building bulk above ground floor to be located from the boundary at a greater distance than a residential zone would require.

Overall, in my opinion the application does not create significant adverse effects in terms of building bulk in relation to boundary, For properties to the west the proposed change in zone would be advantageous (from a building bulk perspective) to adjacent properties.

### **5.1.3 Open Space**

Inner residential zoning requires 35m<sup>2</sup> outdoor living space be provided on site as shown on Moore drawing sheet RC01, whereas there are no outdoor living requirements for a commercial structure.

The Moore drawings illustrate a non-fanciful location for this to the east of a building platform, with the open space visible from the property to the south. In considering whether this open space acts as a visual buffer between the subject site and development on Riddiford Street properties, I note it would be as easy to relocate this space to the north east corner of the site currently shown as building and reapportion building mass to this location.

Overall, in my opinion the provision of an outdoor living court- or not- would create little in the way of actual or perceived effects, and in this case could be contrived to ensure no effects were visible from adjacent properties.

### **5.1.4 Site coverage:**

The change in site coverage from 50% to 100% is a significant change, although it does not follow that this alone results in a loss of amenity for adjoining properties. Site coverage should be understood in conjunction with yard controls, and daylight recession planes (Inner Residential) vs setbacks (Centre).

The provisions of the Centres enable buildings to be built immediately on the boundary for its entire length. This could be, potentially, a blank concrete wall that would detract from residential amenity and the anticipated neighbourhood character for adjoining houses. A continuous building on the boundary would also remove any sense of spaciousness between adjacent properties that a residential zone would typically create. The ability to build immediately on the boundary creates effects that could be more than minor.

The drawings supplied the applicant indicate that the building bulk will change from a truncated pyramid to a taller block form located further away from the boundary.

I have not accurately quantified the change in development potential, but based on the Moore Design Drawings would estimate the proposed change to a commercial use has the following effect:

Residential dwelling: 9m height limit

Level 1	50% site cover (semi basement level) max
Level 2	50% site cover max
Level 3	est. $\frac{3}{4}$ of 50% = 40% max
Total	140% x site area (max)

Centres Area building: 12m height limit

Level 1	100% site cover max
Level 2	40% site cover max
Level 3	40% site cover max
Level 4	40% site cover max
Total	220% x site area

In my opinion, a change to Centres Area zoning would enable a much larger structure/ gross floor area to be built. I would estimate this to be an increase of around 50% additional gross floor area than the size of structure enabled by the Inner Residential provisions. The increase in overall floor area will have the effect of potentially greater visual bulk seen from all properties surrounding 42a Riddiford Street, and in closer proximity than a typical residential structure if maximising development potential.

In my opinion it is not onerous to impose a condition to mitigate the adverse effects created by the increase in total floor area enabled by the Centres Zone. These are described in Section 5.3 below.

### 5.1.5 Maximum height

The proposed Centres Area zoning would permit a 12.0m maximum height 3.0m taller than the current permitted residential height. This would typically create a noticeable visual difference to adjoining properties in terms of overlooking and, potentially, perceived dominance.

In this instance additional height would be located on a site that is elevated above Riddiford Street where structures have a residential scale. The effect of the additional 3m height permitted by the Centres Area in this elevated location is likely to exacerbate the effects of height, and would be experienced by immediate neighbours as well as the wider Newtown community when viewed from afar.

The additional height coupled with the sites elevated position may result in an inappropriately scaled structure that detracts from the character of Riddiford Street as a commercial corridor and location of dominant building mass.

In my opinion, the additional height arising from the change in zone creates adverse visual effects and dominance on adjoining properties and potentially from afar. Methods to manage this are set out in 5.3 below.

## **5.2 Rules operating as a package:**

### **5.2.1 Permitted baseline**

At present, under Inner Residential controls it would be possible for the applicant to redevelop the subject site with a taller structure (than is currently on the site) up to 9m tall. The effects of this would be:

- Like for like residential activity.
- A change in architectural style and quality
- A potential building form 3 stories tall
- A potential building bulk at variable horizontal distance from the boundary, but potentially on the boundary.
- Overlooking from the subject site to adjoining properties where taller than a boundary fence, typically from the upper two stories.

Note: It would not be fanciful to imagine a structure on this site having living levels located at the mid-level.

- A living court, at some location on the site but potentially concealed from adjacent properties, overlooking the rear yard of the Ronald McDonald facility
- A 1m yard space with building bulk beyond, set inside the boundary
- The presence of architectural features

### **5.2.2 Proposed baseline**

A change to Centres Area zoning would allow for a 12m high structure. The effects of this would be:

- A change in architectural style and quality
- A building form 4 storeys tall

- A building at variable distance from the boundary, but 5m or greater in all cases where adjoining residential lots.
- Overlooking from the subject site to adjoining properties where taller than a boundary fence, typically from the upper two stories.
- No outdoor living space, as the activity would not require it.
- No yards or setback at ground floor level with a building located on the boundary.
- A 5m setback for building form taller than 2.5m from ground level at the residential interface

Any redevelopment of the site would create overlooking, a change in character and architectural style, and a change in height from the existing structure. Matters of significant difference include activity and use, number of stories (and perception of dominance)/ height, and the ability to build directly on the boundary.

The remaining issues of height, perceived dominance, change in character, and building on the boundary (including methods to manage these effects) have been discussed individually in 5.1 above.

Overall, in my opinion, when rules are considered as a package, the application has the potential to generate adverse effects. However, these effects can be managed by therecommendations set out in 5.3 below.

### **5.3 Recommendations to mitigate effects**

1. A minimum horizontal distance of 2.0m from any part of a building where the site adjoins a residential boundary. This area shall be maintained as an accessible landscape area.
2. A maximum building height of 9.0m above existing ground levels.

## **6.0 Submissions**

### **6.1 Individual submitters**

I have read submissions for the application. Every submission raises multiple issues some of which lie outside the scope of this report, which examines urban design related matters *as they relate to this site*.

My understanding of the issues raised are categorised as follows:

#### **6.1.1 Submission: Ascot Motor Lodge**

- Out of character with the wider area, as a consequence of the permitted increase in height of a Centres zoning
- Additional shading to the submitter's property, as a consequence of the additional 3m height permitted by Centres zoning

\*Opposition to a plan change without a specific design being offered is outside the scope of this report.

#### 6.1.2 Submission: 4 Nikau Street

- Loss of residential use and architectural character by a change in zoning
- Demolition of original Newtown building fabric
- Loss of sunlight to property (change to permitted maximum height and height to boundary controls)
- Amalgamated development erodes the character of Newtown

\*Demolition of original building fabric, and noise generated by air conditioning units, and the rezoning land as 'shifting the goalposts' lie outside the scope of this report

#### 6.1.3 Submission- 19 Donald McLean Street

- Loss of sunlight
- Additional building bulk permitted by Centres Area zoning

\*'Creeping commercial of residential zones' of the wider area, and general opposition by neighbours, lie outside the scope of this report.

#### 6.1.4 Submission: Newtown Residents Association

- Topographical alignment between zones and use
- Loss of character
- Increase in dominance arising from permitted site coverage
- Provision of open space and greenery
- Change in perceived scale in terms of residential bulk
- Loss of daylight

\*Maintenance and demolition of pre-1930s structures, and noise generated by commercial developments lie outside the scope of this report.

#### 6.1.5 Submission: 2 Nikau Street

- Loss of privacy
- Loss of sunlight
- Loss of views

#### 6.1.6 Submission: 1 Nikau Street

- Loss of residential amenity
- Loss of character
- Building on boundary
- Spatial alignment between topography and use (residential upper, commercial lower)
- Development ought to be approximately 20m back from Riddiford street to be consistent with historical patterns
- Additional height resulting in a loss in residential amenity
- Increased bulk and loss of spatial buffer between properties

\*Maintenance and demolition of pre-1930s structures, and noise generation of commercial uses lie outside the scope of this report.

## **6.2 Summary of submitter's points**

A summary of submitter's points are as follows:

### 6.2.1 Reduction of amenity- Loss of character with the wider area

Comment: In my opinion the proposed rezoning to Centres Area has potential to alter the perceived character of Newtown and create adverse visual effects due to increased height when seen from afar. In terms of streetscape, I do not accept the existing structure makes a significant contribution to the character of Newtown's streetscape and that the character of the wider area would suffer as a result of its loss.

### 6.2.2 Reduction in amenity- Change in perceived scale, building bulk, dominance

Comment: While the application has potential to achieve greater height, visibility, and general massing, these can be mitigated by the recommendations in 5.3 above to ensure effects are no greater than already anticipated.

### 6.2.3 Reduction of amenity- Loss of sunlight

Comment: As discussed above, the location of building mass in relation to site boundary is in most cases advantageous to adjacent properties due to the 5m setback requirement (i.e no more than 3m in height within 5m of the boundary) in conjunction with daylight recession planes.

Adjacent sites would not suffer from reduced solar access or amenity up to 9m in height by a change to commercial zone. Adjacent sites could experience additional shading from the site between 9 and 12m (although not quantified) but these can be mitigated by the recommendations in 5.3 above to ensure effects are no greater than already anticipated.

### 6.2.4 Reduction of amenity- Loss of privacy

Comment: Redevelopment of this site under residential provisions would result in a loss of privacy for the adjoining lots. I do not regard the proposed change to a commercial use will create significant differences in privacy, particularly if height/ number of stories permitted, building setback, and landscape buffer conditions are imposed.

### 6.2.5 Reduction of amenity- Loss of views

Comment: No general view protection applies to submitters sites.

### 6.2.6 Reduction of amenity- Building on boundary/ spatial buffer between properties

Comment: I agree the proposed change to Centres Area Zoning could create some adverse effects for adjoining properties and reduce the spatial buffer between properties. These

can be mitigated by the recommendations in 5.3 above to ensure effects are no greater than already anticipated.

#### 6.2.7 Spatial alignment between topography/use (res upper, commercial lower)

Comment: I agree that the subject site forms part of a residential cluster that is elevated and distinct from commercial activities on Riddiford Street. However, given the back lot characteristics of the site I believe it is possible to accommodate commercial activities on this site if the spatial envelope of the lot (such as height) is consistent with adjacent properties, in conjunction with a landscaped buffer zone as per the recommendations in 5.3 above.

#### 6.2.8 Development ought to be limited to approximately 20m back from Riddiford Street to be consistent with the area

Comment: In my opinion Newtown is an area that has been signalled for growth and change, and is already diverse in terms of its building stock and building patterns. I am in favour of specific proposals being neighbourly additions to the area but that is not what is proposed by this application.

In my opinion while a 20m may be an historic building pattern it would be wrong to use this as a measure to determine appropriate development.

## 7.0 Conclusion

The change to a Centres Zone will potentially create a number of adverse effects. However, these can be managed by the recommendations in 5.3 above.

Overall, I support the change in use from Inner Residential to Centres zoning as the site has unique characteristics that could accommodate a change in activity without undue effect on neighbours. Support for a change in zoning as is conditional on additional provisions being imposed to manage potential adverse effects.

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