

# *Officer's Report Proposed District Plan Change 73*

**Suburban Centre Review  
April 2010**

**Wellington City District Plan**

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**OFFICERS REPORT FOR:**

**District Plan Hearings  
Committee**

**SUBJECT:**

**District Plan Change No. 73**

**DATE OF HEARING:**

**26 April 2010**

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

Proposed District Plan Change 73 is a full review of the Suburban Centres chapter of the District Plan. The key changes include:

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

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

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the hearings committee on the issues raised. Whilst recommendations are provided, ultimately it is the role of the Hearings Committee to make the decision after considering the issues, the submissions and advice of the Council planner.

## **2. RECOMMENDATION**

It is recommended that the Committee:

- 1. Receive the information.*

2. *Approve proposed District Plan Change 73 with amendments described in this report resulting from the consideration of submissions.*

### **3. BACKGROUND**

#### **3.1 Rolling Review**

The proposed Plan Changes (proposed Plan Change 72: Residential Areas and proposed Plan Change 73: Centres and Business Areas) are part of the rolling review of the District Plan. They cover the majority of the City, including all residential and commercial areas outside of the Central Area. The two proposed Plan Changes have been considered in an integrated way because the zone boundaries sit side-by-side with each other and the interactions between activities and buildings need to be considered holistically.

The Plan Changes were guided by the legislative requirements, Council's strategic framework and results from the monitoring of various provisions of the Central Area rules. Overall, the Plan Changes seek to refine the current approach adopted in Chapters 4, 5 6 and 7. Whilst some significant changes were proposed, the basic philosophy remains unchanged.

The Council publicly consulted on the draft changes to the Residential Area and Suburban Centres chapters for an extended period from 8 December 2008 to 1 April 2009<sup>1</sup>. Council initiated the consultation on 4 December 2008 with advertisements being placed in the Dominion Post and The Wellingtonian.

A mail out was also sent to all Wellington City residents and ratepayers on 8 December 2008 advising of the draft plan change consultation. Additional letters and information was sent to all ratepayers that own property in areas that are proposed to be rezoned, where heritage areas were proposed, or where additional provisions, such as proposed demolition rules, would be applied to their properties.

All residents' associations were notified and invited to a Combined Residents' Association briefing session. A number of separate meetings were also held with different residents' associations including the Newtown, Kilbirnie and Mt Victoria Residents' Associations. The Tawa Community Board and Disability Reference Group were also consulted.

A number of workshops were also held with different professional groups, including the New Zealand Institute of Architects, New Zealand Institute of Surveyors, New Zealand Planning Institute, and the Property Council. A briefing was also held with Rongotai Revived, a group of business and property owners in Rongotai South.

In total, 207 responses were received from the public, including 58 responses on Council's feedback forms, 66 letters and written submissions on the draft Residential plan change, and 83 letters and written submissions on the draft Suburban Centres plan change.

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

Plan Change 73 was notified on 29 September 2009, with submissions closing on 27 November 2009. The summary of submissions was notified on 2 February 2010, with further submissions closing on 2 March 2010.

### **3.2 Legislative Requirements**

The requirements for processing District Plan Changes are contained in Part 1 of Schedule 1 to the Resource Management Act 1991. 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 (clause 10). The decisions shall include the reasons for accepting or rejecting submissions and may be grouped by subject matter or individually.

In due course, the decision may be appealed to the Environment Court.

## **4. SUBMISSION ANALYSIS**

In total, 132 original submissions were received on the Plan Change and 18 further submitters. Submissions received seek various forms of relief, including but not limited to:

- retention/deletion/amendment of proposed provisions relating to regional form, retail, urban design, transport, parking standards etc;
- retention/deletion/amendment of proposed design guides;
- amendment of other existing District Plan provisions not addressed by the Plan Change; addition of new provisions; and removal of the Plan Change in its entirety.

95 submitters and 15 further submitters indicated that they wished to be heard.

The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought. To facilitate the determination of the submissions, they have been grouped by issue or concerns raised, rather than by submitter or specific provision.

Where amendments to the District Plan are recommended as a result of a submission, additional text is shown as underlined and text to be removed is shown as being struck out.

Reference to further submissions has been included in the report, linked to the original submission they relate to. Where further submissions oppose or support a significant number of original submissions, from a consistent viewpoint these have been listed below, rather than individual references against each submission in the main body of the report. A list of further submitters is also included in Appendix 1.

- **Further submission 6** opposes all submission points of submissions 53, 54, 57, 66-75, 78, 82, 85, 103, 108, 114, and 119.
- **Further submission 6** supports all submission points of submission 110.
- **Further submission 9** opposes all submission points of submissions 61, 110.

## **4.1 General Submissions**

### **4.1.1 General Support**

#### Submissions

Specific issues raised in submissions include:

- Support for the plan change, but no decisions sought from Council (**Submission 1**).
- Substantially supports the Plan Change, however requests that Council address specific matters, as detailed in the submission (**Submission 9**).
- Implement the plan change, except where identified in the specific submissions which follow (**Submission 22**).
- That DPC73 is amended to accommodate the issues raised in this submission (**Submission 55**).
- The Plan Change be adopted, provided that the specific issues raised in the submission are appropriately addressed, including as sought in the schedules (**Submission 108**).
- Generally supports Proposed Plan Change 73 in particular the mechanism proposed to support the existing network of Suburban Centres, in a way that reflects their different roles and function within Wellington City (**Submission 110**).
- That DPC73 is approved with the following amendments discussed in the submission (**Submission 117**).
- Supports Plan Change 73 if the Plan Change achieves Council's intentions and will still be viable (**Submission 132**).

#### Discussion

The support of these submissions should be accepted.

It is noted that the support of these submissions may be tempered by amendments to the plan change recommended elsewhere in the Officer's report in response to other submissions.

#### Recommendation

- **Accept** submissions 1, 9, 22, 55, 108, 110, 117 and 132 insofar as they generally support DPC73.

### **4.1.2 General Oppose**

#### Submissions

Specific issues raised in submissions include:

- Opposes the plan change as does not think that the Council has engaged the ratepayers with regard to the plan change. The submission requests that Council send a letter enclosing pamphlet PDW 78422 to all ratepayers (**Submission 3**).
- Opposes the plan change, however does not seek any decisions from Council (**Submission 21**).

- Requests that the Proposed Plan Change be withdrawn and redrafted taking into account matters raised in the submission relating to service stations, or that amendments be made to the plan change as detailed in the submission (**Submission 26**).
- Urges the Council to leave the Suburban Centres zoning as it currently exists. Strongly opposes the splitting up of the Suburban Centres zone and plans to restrict retail developments outside of Centres and the requirement for resource consent to assess the impact of these developments. Retail activity along Ngauranga Gorge is comprised of warehouse showrooms which would not be possible in Suburban Centres retail environments due to lack of developments exceeding 500m<sup>2</sup> (**Submissions 66 – 75**).

### Discussion

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

**Submission 21** opposes the plan change, however does not seek any decisions from Council. It is therefore recommended to reject this submission.

**Submission 26** requests that the Proposed Plan Change be withdrawn and redrafted taking into account matters raised in the submission, relating to service stations, or amendments be made to the plan change as detailed in the submission. It is not necessary or practical to withdraw the entire plan change to take account of service stations. Where relevant, amendments to policies, rules and definitions are proposed to provide clearer guidance on managing service stations. This submission should be rejected.

**Submissions 66-75** strongly oppose the splitting up of the Suburban Centres zone, plans to restrict retail developments outside of Centres, and the requiring of a resource consent to assess the impact of these developments. **Further submission 7** supports submission 70 in that the existing retail activity at Ngauranga Gorge Road does not fragment or detract from suburban retail centres. The further submission is particularly concerned that existing permitted retail activity under the operative zoning (including the L V Martin showroom and retail outlet) at 1 Malvern Road, Ngauranga, would become a non-complying activity under the proposed Business 2 zoning. As such, **further submission 7** has requested the rezoning of 1 Malvern Road, Ngauranga from a Business 2 Area to a Business 1 Area zoning. This is further discussed in section 4.16.8 of this report.

It is noted that much of the land owned by **submissions 66-75** is proposed to be rezoned from Suburban Centres to Business 2 Areas. Business 2 Areas have been created in part to respond to the issue of loss of industrial land. This has been a notable trend in the period from 1995-2009 and resulted from the move of residential and retail activities into areas previously dominated by commercial and industrial uses. This has provided a greater mix of land uses in some areas, but it can make it difficult for activities and businesses to find land and premises within the city boundaries. The Business 2 Areas are traditional business areas where a range of industrial activities including warehousing, manufacturing and commercial services can occur. Because of the industrial nature of the activities in such areas, lower levels

of amenity are acceptable compared with other areas in the City. Residential and retail activities are not encouraged in Business 2 Areas.

Officers do not recommend withdrawing DPC73. The plan change is required in order to help deliver Council's strategic direction for the city and to better enable Council to meet its obligations under the RMA. It is a robust document that has been informed by a substantial amount of monitoring, investigation, analysis and testing.

Council officers consider that consultation on DPC73 has been full and thorough. The plan change was publicly advertised as a draft plan change from 8 December 2008 to 1 April 2009. The plan change is now going through a second, formal plan change and submission process. Officers consider that these processes are sufficient to allow submissions to raise concerns regarding the proposed provisions and for Council to consider the merits of those submissions.

Officers therefore recommend that DPC73 be retained. In making this recommendation Officers note that amendments recommended elsewhere in this report may go some way to easing the concerns of these submissions.

### Recommendation

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

## **4.2 Regional Form**

### Submissions

Specific issues raised in submissions include:

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

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

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

### Discussion

**Submission 76** requests that the Council adopt those parts of the plan change that create the Business 1 and 2 Areas, subject to minor changes relating to definitions, Business 2 retail rules, and urban design. This submission should be accepted.

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

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

**Submissions 131** and **117** support objectives 6.2.1 and 33.2.1 and their associated policies. **Further submission 13** supports submission 131 with regard to Objective 6.2.1. The support of these submissions should be accepted.

**Submission 61** requests that the wording of Objective 6.2.1 be amended to refer to a hierarchy, rather than a network, of Centres throughout the City. Officers consider that this change is unnecessary and inappropriate as the word ‘network’ adequately explains the relationship of these centres.

**Submission 110** supports use of a centres network to assist in managing those centres’ roles and uses, while **submission 118** supports provisions in the Plan Change for the strengthening of neighbourhood centres. The support of these two submissions should be accepted.

**Submission 61** seeks that Policy 6.2.1.1 be amended by stating that the Central City is located at the top of the network of centres throughout the Wellington Region. **Further submission 13** opposes this submission. Officers consider it appropriate to make this minor amendment to recognise the importance of the role and function of the Central City. The importance of the Central Area to the economic and social health of the whole region is recognised in the Wellington Regional Strategy and in the Proposed Regional Policy Statement. Council’s policy is therefore to maintain and strengthen the Central Area, and to ensure that it retains its primacy as an employment and retail centre.

**Submission 78** seeks confirmation of the Johnsonville Centre as a sub-regional centre (Policy 6.2.1.1). **Further submission 13** supports this submission. **Submission 78** should be accepted, however to ensure consistency with Policy 29 of the PRPS, Officers consider the label ‘sub-regional centre’ should be changed to ‘regionally significant centre’.

**Submission 61** seeks the removal of the reference to Kilbirnie as a Sub-Regional Centre under Policy 6.2.1.1. **Further submission 13** opposes this submission. Officers do not consider that the removal of Kilbirnie as a sub regional centre is appropriate. Kilbirnie has recently been the subject of an intensive town centre plan process which recognises the importance of this centre in servicing a growing part of the City. The Centre Plan envisages that the Centre will expand its functions and range of facilities and services to meet these demands over time.

**Submission 103** seeks the adoption of Policy 6.2.1.2, which allows for the outward expansion of existing Centres. **Further submission 2** supports this submission. The support of **submission 103** should be accepted.

**Submission 61** seeks that Policy 6.2.1.2 be amended to measure impact on the viability and vitality of the City Centre and other identified Regionally Significant Centres from the outward expansion of Centres. There is no requirement under Policy 29 of the PRPS to specifically consider the impacts of development in one regionally significant centre on another regionally significant centre.

**Submission 117** seeks that the explanation to Policy 6.2.1.2 be amended to include a reference to making the best use of existing infrastructure and also the wider transport network when considering a resource consent application for expanded centres. Officers agree that these are important factors to take into consideration therefore it is recommended to accept this submission.

**Submission 26** seeks the inclusion of a provision in Policy 6.2.1.2 for the location of vehicle-oriented activities, including service stations on the edge of existing centres and through the expansion of centres. The Plan currently provides for proposed activities to be assessed on a case by case basis. Without further detailed analysis of a particular area there is no ability to say that an edge of a centre site would be appropriate for a service station. Such a policy may therefore be misleading and is unnecessary.

**Submission 22** requests the inclusion of a reference in Objective 33.2.1.1 and elsewhere as appropriate that Miramar/Burnham Wharf has higher amenity values than other Business 2 Areas. **Further submission 12** opposes this submission and requests that if such acknowledgement were to occur, that this be limited to recreational opportunities only. The future use of this area is uncertain, as economic and structural changes may mean it is no longer required for port activities at some time. The proposed Business 2 zone provides for a range of other activities to occur and provides sufficient flexibility to allow for the redevelopment of this area in an appropriate manner. A design guide is in place to guide large-scale development. Additional wording as requested is unnecessary.

**Submission 117** supports Policies 33.2.1.2 relating to the creation of new areas for business and industrial activities. This submission should be accepted.

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

Given that the proposed RPS has not yet been adopted, there is potential for any amendments made to either the definition of 'regionally significant centres' or Policy 6.2.1.3 and 33.2.1.3 to be inconsistent with the final adopted wording of Policy 29 of the proposed RPS.

It is recommended that Policy 6.2.1.3 (and consequently Policy 32.2.1.3) be amended to refer to better reflect the wording of Policy 29 of the Regional Policy Statement, which aims to maintain and enhance the viability and vibrancy of regional significant centres, as follows:

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

The explanatory text for Policies 6.2.1.3 and 32.2.1.3 should also be amended accordingly to remove references to specific centres, but to refer to the PRPS. By generalising Policies 6.2.1.3 and 32.2.1.3, if Policy 29 of the RPS changes as part of

the statutory process, Policies 6.2.1.3 and 32.2.1.3 will still give effect to the RPS. It is also recommended that the definition of 'regionally significant centres' be amended to have the same meaning as that in the PRPS, so that if there are changes in the PRPS, this will automatically change in DPC73 without having to undertake a variation to DPC73.

**Submission 61** seeks that Policies 6.2.1.3 and 33.2.1.3 be deleted and incorporated into Objectives 6.2.2 and 33.2.2, respectively. It is recommended that the committee reject this request as enabling a wide range of activities in either Centres or Business Areas is just one component that impacts on its viability and vibrancy. A Centre's or Business Area's viability and vibrancy is also influenced by such things as transport, infrastructure and civic or community investment. It is therefore considered inappropriate to delete these policies relating to the viability and vibrancy of Regionally Significant Centres in the Wellington region and incorporating them into the objectives specifically addressing 'activities'.

**Submission 114** raises concerns regarding the proposed Business 2 zone and considers that the shortage of industrial land is overstated, but no specific relief is requested. Research undertaken for the Council has indicated a forecast project deficit of between 77-100 hectares of land available for industrial and business uses over the 2007-2021 period. As the submission requests no relief, it is recommended to reject this submission.

#### Recommendation

- **Accept** submission 76 insofar as it requests that Council adopt those parts of the plan change that create the Business 1 and 2 Areas, subject to minor changes.
- **Accept** submission 26 insofar as it supports the splitting up of the current Suburban Centres zone into two new zones.
- **Reject** submission 131 insofar as it seeks to change the zone names to more clearly reflect the intent of the district plan, such as "Suburban Centres", "Business Area (Mixed)" and "Business Area (Industrial)".
- **Accept** submission 131 insofar as it requests that Council retain objectives 6.2.1 and 33.2.1 and their associated policies.
- **Accept** submission 117 insofar as it supports Objective 6.2.1 and supporting policies, in particular Policies 6.2.1.2 and 6.2.1.4.
- **Reject** submission 61 insofar as it requests that Objective 6.2.1 be amended to achieve the overarching goals of the region, as guided by the PRPS.
- **Accept** submission 110 insofar as it supports the use of a centres hierarchy to assist in managing those centre's roles and uses.
- **Accept** submission 118 insofar as it supports provisions in the Plan Change for the strengthening of neighbourhood centres.
- **Accept** submission 61 insofar as it requests that Policy 6.2.1.1 be amended by stating that the Central City is located at the top of the hierarchy of centres throughout the Wellington Region.
- **Accept** submission 78 insofar as it requests confirmation of the Johnsonville Centre as a sub-regional centre (Policy 6.2.1.1).
- **Reject** submission 61 insofar as it requests that the reference to Kilbirnie as a Sub-Regional Centre be removed from Policy 6.2.1.1.

- **Accept** submission 103 insofar as it requests that Policy 6.2.1.2, which allows for the outward expansion of existing Centres, be adopted.
- **Reject** submission 61 insofar as it requests that Policy 6.2.1.2, be amended to also refer to the viability and vitality of the City Centre and other identified Regionally Significant Centres.
- **Accept** submission 117 insofar as it requests that the explanation to Policy 6.2.1.2 be amended to include a reference to making the best use of existing infrastructure.
- **Accept** submission 117 insofar as it requests that references to the wider transport network when considering a resource consent application for expanded centres be made in Policy 6.2.1.2.
- **Reject** submission 26 insofar as it requests the inclusion of a provision in Policy 6.2.1.2 for the location of vehicle-oriented activities, including service stations on the edge of existing centres and through the expansion of centres.
- **Accept in part** submission 117 insofar as it supports the definition of 'regionally significant centre'.
- **Reject in part** submission 61 insofar as it seeks that the definition of 'regionally significant centre' be amended to delete references to Petone and Kilbirnie.
- **Accept** submission 78 insofar as it requests confirmation of Policy 6.2.1.3 (which seeks to promote the viability and vibrancy of regionally significant centres in the Wellington Region) as publicly notified.
- **Reject** submission 61 insofar as it seeks to delete Policies 6.2.1.3 and 33.2.1.3 and incorporate them into Objectives 6.2.2 and 33.2.2, respectively.
- **Reject** submission 22 insofar as it requests the inclusion of a reference in Objective 33.2.1.1 and elsewhere as appropriate that Miramar/Burnham Wharf has higher amenity values than other Business 2 Areas
- **Accept** submission 117 insofar as it supports Policies 33.2.1.2 relating to the creation of new areas for business and industrial activities.
- **Reject** submission 114 insofar as it raises concerns regarding the proposed Business 2 zone and considers that the shortage of industrial land is overstated, but no specific relief is requested.

All further submissions are accepted or rejected accordingly.

### **4.3 Business Precincts**

#### Submissions

Specific issues raised in submissions include:

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

### Discussion

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

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

**Submission 77** requests that Shelly Bay be rezoned in a special category (eg. a precinct) to facilitate a range of stakeholder (including public) inputs to any proposed usage change or development. As indicated both on the proposed planning maps and in Policy 33.2.3.1, Shelly Bay has been identified as a Business Precinct. **Submission 77** should also therefore be accepted.

### Recommendation

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

## **4.4 Rongotai South**

### Submissions

Specific issues raised in submissions include:

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

### Discussion

**Submission 85** seeks that Rongotai South be identified as a Business Precinct. **Further submission 12** supports this submission and that a new policy be inserted under Objective 33.2.3 which provides for and encourages mixed use opportunities at Rongotai South. The proposed controls already provide a reasonable level of control over activities and buildings in this area. These controls include giving particular consideration to large retail developments, buildings over 500m<sup>2</sup>, and activities that provide more than 70 parking spaces. No additional controls are considered necessary to manage development in the area. In addition, unlike the Business Precinct identified at Shelly Bay, the existing street pattern is well-established, and there is no particular need for comprehensive planning of this or significant infrastructure improvements. The area has a multitude of land owners, and it is anticipated that any future development at Rongotai South will be undertaken in an incremental manner. The proposed Business 1 zoning is considered appropriate as it already provides for a wide range of mixed activities including residential, retail and other business activities.

**Submission 85** also seeks the deletion of Rule 34.1.2, regarding retail in Business 1 Areas and does not support Rules 34.4.2, 34.4.3 and 34.4.4, regarding retail in Business 1 Areas. **Further submission 12** supports this submission. In the research and drafting of the proposed Plan Change, out-of-centre retailing was identified as a key issue that needs to be better managed. Any changes to the retail rules may potentially undermine the role and function of Centres and Council's and the community's investment in infrastructure and community services and facilities and could result in significant transport impacts. The proposed rules only require that a consent be gained and do not rule out retail development if there are no significant impacts. It is therefore considered appropriate to reject this submission and retain the proposed rules.

**Submission 85** also seeks that permitted building heights be increased from 12m to 21m for parts of the area at Rongotai South. **Further submission 12** supports this request. No justification has been given as to why there is a need to increase the permitted building heights at Rongotai South and what proposed land uses would be considered on these sites. It is considered very unlikely that industrial or retail uses would be feasible in a multi-storey format in this location, especially noting that the already consented Bunnings Warehouse store will take up approximately one-third of the land area in question. Residential uses in upper storeys of buildings may have a range of undesirable effects. The effects of increased buildings heights are unclear. There could be significant impacts from traffic, from reverse sensitivity to noise or on urban form. It is therefore recommended to retain the maximum permitted building height limit of 12m.

### Recommendation

- **Reject** submission 85 insofar as it seeks that Policy 33.2.3.2 be amended to include Rongotai South as a Business Precinct.
- **Reject** submission 85 insofar as it seeks that a new policy be inserted under Objective 33.2.3 which provides for and encourages mixed use development opportunities at Rongotai South.
- **Reject** submission 85 insofar as it seeks that Rule 34.1.2, regarding retail in Business 1 Areas, be deleted, and that it does not support Rules 34.4.2, 34.4.3 and 34.4.4, regarding retail in Business 1 Areas.

- **Reject** submission 85 insofar as it requests that the maximum permitted building height for parts of the area at Rongotai South be increased from 12m to 21m.

#### 4.5 Johnsonville

##### Submissions

Specific issues raised in submissions include:

- Submission supports whole concept of the redevelopment of the Johnsonville Town Centre (**Submission 96**).
- Council should use its very best endeavours to seek DNZ's agreement to make significant design improvements to its Johnsonville Shopping Centre redevelopment (especially but not only in terms of accessibility by people with mobility restrictions), in ways that closely accord with the new provisions of DPC73, before it seeks any building consent (**Submission 122**).
- The Plan Change be modified to allow the Johnsonville Masterplan to be totally redeveloped and extended into a specific (and legally-binding) Design Guide for the whole Johnsonville Centre (**Submission 122**).
- Redevelop the Johnsonville Masterplan so as to require the development of a 24/7-usable public pedestrian thoroughfare through the Johnsonville Shopping Centre from Johnsonville Rd to Moorefield Rd, and the curving re-alignment of Johnsonville Rd to the east so as to create a major pedestrian open space on the west side of the road (**Submission 122**).

##### Discussion

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

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

A resource consent has already been approved for the development of a new shopping mall in Johnsonville. The Johnsonville Town Centre Plan has already been approved by Council as a non-statutory document. The rules in DPC73 are considered adequate to manage future development in accordance with the requirements of the RMA. However it is accepted that the recommendation of the Town Centre Plan to create a mid-block link through the 'triangle' site would have merit in terms of statutory enforcement through DPC73. It is therefore recommended that a new policy be included in the plan change to encourage this mid-block link to be formed when future opportunities allow. The road alignment proposed is outside of the scope of this proposed plan change and should be rejected.

### Recommendation

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

## **4.6 Churton Park**

### Submissions

Specific issues raised in submissions include:

- Amend Rules 7.3.13 and 7.3.13.1, Appendix 1A, and Appendix 4 of the Centres Design Guide to clarify how development in the Churton Park District Centre should be processed as follows:
  - *In 7.3.13.1, after the words "Churton Park District Centre Concept Plan", add the following words "(see Appendix 1A)."*
  - *In the following sentence at the end of rule 7.3.13 "provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs.", delete the last 'and', and following the word 'signs' at the end of the sentence, add the following words "; and Churton Park District Centre standards."*
  - *Delete the existing margin note alongside rule 7.3.13, and replace with the following words "Any subdivision not able to meet the requirements of rule 7.3.13 will default to a non-complying activity".*
  - *In the third sentence of Appendix 1A (being the Churton Park District Centre - Concept Plan), delete the words "Discretionary Activity (Unrestricted)" and replace with the words "non-complying activity".*
  - *In the Centres Design Guide – Appendix 4: Churton Park, under the heading "Street Edge", add the words "and active building edges" at the end of the final sentence in that paragraph.*
  - *In the Centres Design Guide - Appendix 4: Churton Park, in the last paragraph under the heading "Buildings", correct a cross reference to 7.6.5.1.15 so that it refers to "7.6.5.1.14" (**Submission 31**).*

### Discussion

The submission requests that amendments be made to clarify how development (particularly subdivision in Rule 7.3.13) in the Churton Park District Centre should be processed. The provisions for the Concept Plan were originally developed and agreed

in Plan Change 60, but have now been incorporated into proposed District Plan Change 73. Amendments are required to clarify the way these provisions were intended to work as set out in Plan Change 60. Of particular note is that a subdivision proposal must also comply with the specific Churton Park development standards (outlined in section 7.6.5 of DPC73). Failure to meet these standards means the subdivision will be processed as a Non-Complying activity. Three other minor changes are needed to these provisions to clarify the original intent.

It is considered appropriate to accept this submission as it will clarify the provisions applying to Churton Park.

#### Recommendation

- **Accept** submission 31 insofar as it requests that Rules 7.3.13 and 7.3.13.1, Appendix 1A, and Appendix 4 of the Centres Design Guide be amended to clarify how development in the Churton Park District Centre should be processed.

### **4.7 Mt Cook Centre**

#### Submissions

Specific issues raised in submissions include:

- There has to be a whole centre and neighbourhood concept for the Mt Cook centre rather than approval via each individual development. Otherwise the total impacts are not able to be managed. Where there is to be intensive residential growth i.e. Mt Cook, then there should be green spaces allocated rather than the ghettoisation of the area with apartment after apartment (**Submission 19**).
- Insert a new policy 6.2.3.14 relating to the adverse effects of the bulk and location of buildings and developments in the Mt Cook Heights Zones on the amenity values of Government House and Grounds (**Submission 81**).
- Insert new bullet point to proposed Rule 7.3.6 exempting the construction of, alteration of, and addition to buildings and structures anywhere east of Adelaide Road within the Mt Cook Centre, and insert new Rule 7.3.12 relating to building work east of Adelaide Road within the Mt Cook Centre (**Submission 81**).
- Amend permitted building height provisions as follows: 9m in Height Zone 1 and 12m in Height Zone 2, Mt Cook (Adelaide Road) Height Zones, for sites east of Adelaide Road (**Submission 81**).
- Extend the secondary street frontage for the full length of both frontages of Drummond Street (East) on Planning Map 46 (**Submission 81**).
- Insert new objective and guideline in the Centres Design Guide to acknowledge Government House (**Submission 81**).

#### Discussion

**Submission 19** seeks a whole of centre concept for the Mt Cook Centre. It is considered that the Adelaide Road Framework, adopted by Council in November 2009, addresses the concerns raised in the submission. Where necessary key proposals from this framework have been incorporated in DPC73. In addition, the

Centres Design Guide will help ensure well-designed developments that provide for a good quality of living. For these reasons, **submission 19** should be accepted in part.

With regard to the amendments requested by **Submission 81**, it is not considered appropriate to apply a reduced permitted building height of 9m blanket across height zone 1. The current height limit is 12m, and any decreases in height will disadvantage the owners of all affected properties. Insufficient evidence has been provided to justify a reduction in height. Such an outcome would be contrary to the Adelaide Road Framework, and may lead to poor urban design outcomes.

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

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

There is however scope to include further provisions specifically recognising Government House and its grounds in the Centres Design Guide to help recognise some of the concerns raised in the submission of the visual impact of new buildings along the eastern side of Adelaide Rd.

**Submission 81** seeks a new rule relating to the construction of, alteration of, and addition to buildings and structures anywhere east of Adelaide Road within the Mt Cook Centre. Rather than add an entire new rule relating to development on the eastern side of Adelaide Road that may impact on Government House, it is considered sufficient to add an additional matter of discretion under Rule 7.3.6 for new buildings that trigger consent with an urban design matter of discretion, which reads as follows:

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

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

In the Adelaide Road Framework there is an action suggesting Council will investigate measures to ensure the appropriate protection of views to and from Government House and its grounds (especially to the War Memorial and Carillion). Any additional provisions necessary can be considered at the time this additional work is undertaken.

### Recommendation

- **Accept in part** submission 19 insofar as it requests that there be a whole centre and neighbourhood concept for the Mt Cook centre.

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

#### **4.8 Lincolnshire Farm**

##### Submissions

Specific issues raised in submissions include:

- Requests that 'employment land' at Lincolnshire Farm area (Subject to DPC45) be zoned a mixture of Business 1 and 2 (**Submission 82**).
- Amend Rule 34.3.6 relating to the construction of residential buildings in the Business 1 Area zone as discretionary activities, as follows:
  - After Rule 34.3.6.5, add...
  - *"Except that this rule does not apply to the following:*
  - *Any residential development on land zoned B1 shown in Appendix 4"* (**Submission 82**).
- That Rule 34.1.2 relating to retail activities in the Business 1 Area zone be amended as follows:
  - After bullet point 2 add:
  - *"Except that within the B1 land shown in Appendix 4, the maximum cumulative total GFA shall not exceed 20,000m<sup>2</sup>"* (**Submission 82**).
  - After bullet point 3 add:
  - *Except that within the B1 land shown in Appendix 4, the maximum cumulative total GFA shall not exceed 5,000m<sup>2</sup>"* (**Submission 82**).
- Consequential amendments to the Rules 34.4.3 and 34.4 are also requested to reflect the above. These rules relate to Discretionary Activities (Unrestricted) that exceed the permitted GFA for large format retail and integrated retail development. Consequential amendments to relevant Policies 33.2.2.4 and 33.2.2.5 are also requested (**Submission 82**).

- Amend Table 1 contained within rule 34.6.2.1.1 relating to building heights to refer to the Lincolnshire Area that has a building height maximum of 15m (**Submission 82**).

### Discussion

Lincolnshire Farm has a complicated regulatory structure with the introduction of DPC45 (Urban Development Area & Structure Plans) (Subject to appeal) and various individual resource consents in place for some parts of the site. DPC45 provides for the rezoning of mainly rural land in the northern suburbs to a new Urban Development Area zoning. It includes associated objectives, policies and rules which are all designed to assist the implementation of the Northern Growth Management Framework (NGMF). A Structure Plan is also included for the Lincolnshire Farm area that will be implemented as part of the proposed new Urban Development Area rules.

Lincolnshire Farm was omitted from DPC73 with a reference to an appeal for part of the site shown on Planning Map 26. This land was previously zoned Suburban Centres but is now identified as Employment 1 & 2 land that includes amongst other things restrictions on retail use. The appeal relates to the loss of development rights and the fact that areas of the site had been earthworked in preparation for a large format retail use.

Given that the land in question was specifically excluded from DPC73, the issues raised in the submissions are beyond the scope of DPC73 and should therefore be rejected. In addition, given the separate plan change process underway and the potential complications that DPC73 may add to the mix, Officers consider it inappropriate to address concerns raised in the submission until such time as there is greater certainty regarding the settlement of DPC45 and the current appeal. These issues may be better addressed as a variation to DPC73. It is also noted however that the proposed provisions raised in the submission would be inconsistent with the provisions of DPC73 and that there appears to be insufficient justification for such a variation. It is noted that **further submission 18** opposes this submission with regard to Rule 34.1.2.

### Recommendation

- **Reject** submission 82.

## **4.9 Activities**

### **4.9.1 General**

#### Submissions

Specific issues raised in submissions include:

- Retain objectives 6.2.2 and 33.2.2 relating to enabling an appropriate range of activities and their associated policies (**Submission 131**).
- Amend Objective 33.2.2 to consider cross-boundary effects (**Submission 61**).
- Requests that the Plan Change reflects and requires assessment of large integrated retail developments against potential impacts on Sub-Regional Centres and the viability and vibrancy of those Sub-Regional Centres (**Submission 110**).

- Amend Policy 6.2.2.2 so that it is consistent with the PRPS and so that it reads as follows:
  - *Manage the location and scale of integrated retail developments exceeding 20,000m<sup>2</sup> gross floor area, to ensure they will not result in significant cumulative adverse impacts on:*
    - *the viability and vitality of the ~~Golden Mile~~ Central Business District and Regionally Significant Centres; and*
    - *the range of services available to visitors and any resulting loss of economic activity to Wellington; and*
    - *the sustainability of the transport network; ~~and~~*
    - *the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use; and*
    - *the efficient use of existing infrastructure (Submission 61).*
- Amend Policy 6.2.2.2 (including the explanatory text) and Rule 7.3.4 to enable Council to consider the effect of large integrated retail developments on the viability and vibrancy of sub-regional centres within the Wellington region as follows:
  - *Manage the location and scale of integrated retail developments exceeding 20,000m<sup>2</sup> gross floor area, to ensure they will not result in significant cumulative adverse impacts on:*
    - *the viability and vitality of the Golden Mile; and*
    - *the viability and vitality of sub-regional centres within the Wellington Region; and*
    - *the range of services available to visitors and any resulting loss of economic activity to Wellington; and*
    - *the sustainability of the transport network; and*
    - *the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use (Submission 110).*
- Amend wording of Rule 7.1.1 (bullet point 5) to be consistent with Rule 7.3.4 and so that it reads as follows:
  - *integrated retail developments with a cumulative total gross floor area greater than 20,000m<sup>2</sup> (Submission 61).*
- Amend Rule 7.3.4.1 to be consistent with the PRPS and to consider cross boundary issues and so that it reads as follows:
  - *The cumulative effect of the development on the viability and vitality of the ~~golden mile~~ Central Business District and Regionally Significant Centres (Submission 61).*
- Under Policies 33.2.2.4, 33.2.2.5 and 33.2.2.6, remove all the proposed district plan policies clauses and supporting rules/regulation that require new developments to prove they: “will not result in significant adverse cumulative impacts on the viability and vitality...” as a condition for proceeding under the district plan (Submission 119).

### Discussion

**Submission 131** seeks retention of Objectives 6.2.2 and 33.2.2 and associated policies. **Further submission 13** supports submission 131 with regard to Objective 6.2.2. The support of **submission 131** should be accepted.

**Submission 61** seeks that Objective 33.2.2 be amended to consider cross-boundary effects. There is no requirement under Policy 29 of the proposed Regional Policy Statement to specifically consider the effects of activities on other regionally significant centres within the Wellington Region. It is considered that amending the generic policies 6.2.1.3 and 33.2.1.3 relating to maintaining and enhancing the viability and vibrancy of Regionally Significant Centres in the Wellington region is sufficient to give effect to Policy 29 of the proposed RPS. It is therefore considered appropriate to retain Objective 33.2.2 as notified and thus **submission 61** should be rejected.

**Submissions 61 and 110** request changes to the Centres and Business Areas retail policies and rules (7.3.4.1, 33.4.2 – 33.4.5) to enable Council to consider the effects of large integrated retail developments against potential impacts on regionally significant centres and the viability and vibrancy of those. There is no requirement under Policy 29 of the proposed Regional Policy Statement to specifically consider the effects of retail activities on other regionally significant centres within the Wellington Region. It is considered that amending the generic policies 6.2.1.3 and 33.2.1.3 relating to maintaining and enhancing the viability and vibrancy of Regionally Significant Centres in the Wellington region, is sufficient to give effect to Policy 29 of the proposed RPS. It is therefore considered appropriate to retain the retail policies and rules in Centres and Business Areas as notified.

**Submission 61** seeks an amendment to the wording of Rule 7.1.1 (bullet point 5) to include the word 'cumulative' to be consistent with Rule 7.3.4. This would assist in the interpretation of the rule and therefore this submission should be accepted.

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

Policies and rules in DPC73 which are aimed at managing retail do not have the effect of managing trade competition. They achieve management of resource management effects, including such issues as traffic generation, efficient delivery of infrastructure, efficient urban form and a range of other environmental, social and economic effects. As such, they are not contrary to legislation. This submission should be rejected.

### Recommendation

- **Accept** submission 131 insofar as it requests retention of Objectives 6.2.2 and 33.2.2 and their associated policies.
- **Reject** submission 61 insofar as it seeks that Objective 33.2.2 be amended to consider cross-boundary effects.

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

## **4.9.2 Retail**

### **4.9.2.1 General**

#### Submissions

Specific issues raised in submissions include:

- Ensure the District Plan properly complies with the RMA that specifically states: “a territorial authority must not have regard to trade competition or the effects of trade competition” RMA 1991 (as at 01 October 2009), Part 5, Section 74 Para 3 (**Submission 119**).
- Increased policy guidance for management of retail activities (**Submission 4**).
- Supports concept of managing the scale and form of retail within each centre (**Submission 110**).
- Rather than protect existing centres from competition from alternative locations would like to see policies that reduce the costs and hurdles faced by existing businesses (**Submission 114**).
- While submission supported the rules contained in previous District Plan Change 66, the submission does not consider that tighter rules than this are necessary to regulate retail (**Submission 114**).
- Supports local retail centres and opposes any proposal to restrict the development of retail precincts in the outer suburbs of Wellington to the benefit of the Golden Mile (**Submission 9**).
- Is totally opposed to the new plan of “integrated retail development” and “retail activity” (**Submission 40**).

### Discussion

**Submission 119** requests that Council ensures that the District Plan properly complies with the RMA that specifically states: “a territorial authority must not have regard to trade competition or the effects of trade competition” RMA 1991 (as at 01 October 2009), Part 5, Section 74 Para 3. As previously discussed, policies and rules in DPC73 aimed at managing retail do not have the effect of managing trade competition. They achieve management of resource management effects, including such issues as traffic generation, efficient delivery of infrastructure, efficient urban form and a range of other environmental, social and economic effects. As such, they are not contrary to legislation. Officers therefore consider that this submission should be rejected.

The support of submissions 4 and 110 in increased policy guidance for management of retail activities and managing the scale and form of retail within each centre should be accepted.

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

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

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

**Submission 9** supports local retail centres and opposes any proposal to restrict the development of retail precincts in the outer suburbs of Wellington to the benefit of the Golden Mile. This submission is opposed by **Further submission 6**. The submission asserts that the Golden Mile should be self sustaining as a retail centre without restricting any potential retail developments elsewhere in the Wellington region. The importance of the Central Area to the economic and social health of the whole region is recognised in the Wellington Regional Strategy and in the Proposed Regional Policy Statement. Council’s policy is therefore to maintain and strengthen the Central Area, and to ensure that it retains its primacy as an employment and retail centre. Notwithstanding this, Council’s recently adopted Centres Policy also aims to maintain and strengthen the City’s existing and future suburban centres. The policies and rules do not in themselves restrict retail development, but very large retail developments do require economic impact and transport assessments to better understand their potential impacts. This is prudent management. Officers therefore consider that this submission should be rejected.

**Submission 40** is totally opposed to the new plan of ‘integrated retail development’ and ‘retail activity’ however, does not seek any decision from Council. **Further submission 6** opposes this submission. It is recommended to reject **submission 40**.

#### Recommendation

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

#### **4.9.2.2 Definitions**

##### Submissions

Specific issues raised in submissions include:

- Supports definitions of ‘integrated retail developments’ and ‘large format retail’ (**Submission 117**).
- Amend definition of ‘gross floor area (for the purpose of any retail activity)’ to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.5, so that it reads as follows: “*means the total sum of any floor areas cumulative gross floor area of a retail activity or integrated retail development. It does not include...*” (**Submission 61**).
- Amend the definition of ‘gross floor area (for the purpose of any retail activity)’ by inserting the underlined words, as follows: “*means the total sum of any floor areas of a retail activity or integrated retail development. It does not include floor area occupied by car parking areas, loading and servicing facilities, shared pedestrian circulation areas and toilet and building maintenance facilities*” (**Submission 78**).
- Amend the definition of ‘gross floor area (for the purpose of any retail activity)’ to specifically exclude non-leasable areas (**Submission 108**).
- Amend the definition of ‘retail activity’ to specifically exclude ‘building improvement centres’ and ‘yard based suppliers’, as follows:

- *RETAIL ACTIVITY: means an activity displaying or offering services or goods for the sale or hire to the trade or public and includes but is not limited to integrated retail developments, trade supply retail, ~~yard based suppliers~~, supermarkets, service retail an ancillary retail but does not include building improvement centres and yard based suppliers (Submission 76).*
- Add a new definition to the plan change for ‘building improvement centres’ as follows:
  - *“BUILDING IMPROVEMENT CENTRE: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres, garden centres and outdoor nurseries” (Submission 76).*
- Reinstate the definition of ‘retail activity’ from DPC66 (amended to relate to DPC73) as follows:
  - *“RETAIL ACTIVITY (FOR THE PURPOSE OF RULE 7.1.1.11 AND RULE 13.6.2.9): means any activity or activities within a building involving the sale of goods, merchandise, equipment to the public, but excludes:
 
    - *service stations and motor vehicle service premises*
    - *takeaway food bars, restaurants, cafes or other eating places*
    - *office product suppliers*
    - *second-hand goods*
    - *yard-based suppliers such as building suppliers, farming, horticultural and agricultural suppliers, garden and landscape suppliers” (Submission 78).**
- Change the definition of ‘service retail’ to include service stations, or add a new definition to the plan change for ‘service station’ as follows:
  - *“Service station means any land or building used for the retail sale of motor vehicle fuel, including petrol, LPG, CNG and diesel and may also include one or more of the following:
 
    - (a) *The sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles.*
    - (b) *Mechanical repair and servicing of motor vehicles.*
    - (c) *Warrant of fitness testing.*
    - (d) *The sale and or hire of other merchandise or services where this is subordinate to, and part of the same business as the main use of the site” (Submission 26).**

### Discussion

**Submission 117** supports definitions of ‘integrated retail developments’ and ‘large format retail’. The support of **submission 117** should be accepted.

**Submission 61** seeks that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.4 and

so that it reads as follows: “means the total cumulative gross floor area of a retail activity or integrated retail development. It does not include...”. Officers agree that it is appropriate to amend the definition to improve interpretation of the provisions.

**Submission 78** requests that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to exclude shared pedestrian circulation areas. **Further submission 13** supports this submission. Officers, however, consider that shared pedestrian circulation areas should not be excluded, as these areas are integral to integrated retail developments, such as malls, and can readily be used for retail activities, whether they are permanent or temporary in nature. Integrated retail developments should be considered by their total gross floor area, and should not exclude shared pedestrian areas.

**Submission 108** requests that the definition of ‘gross floor area (for the purpose of any retail activity)’ be amended to specifically exclude non-leasable areas, however it is unclear what is meant by ‘non-leasable areas’. **Further submission 13** supports this submission. The current definition of gross floor area (for the purpose of any retail activity)’ is sufficient in that it specifically excludes car parking areas, loading and servicing facilities and toilet and building maintenance facilities which are by their nature, also non-leasable areas.

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

Building improvement centres are unlikely to create demonstrable distributional effects in Centres, and can be provided for as permitted activities in B1 and B2 Areas. It is recommended to add a new definition for ‘building improvement centres’ (excluding the reference to ‘garden centres and outdoor nurseries’, as these activities are covered by the existing definition of ‘garden and landscaping supplies’) and list these activities implicitly as permitted activities in B1 and B2 Areas. Changing the definition of ‘retail activity’ would have further implications throughout the entire District Plan and is not accepted. The suggested wording of the definition of ‘building improvement centre’ is:

- “BUILDING IMPROVEMENT CENTRE: means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centres”.

**Submission 78** seeks the reinstatement of the definition of retail activity from Proposed Plan Change 66 (DPC66) as it considers that this definition is appropriate. DPC66 was withdrawn with the public notification of DPC73. Further research and drafting has been carried out since DPC66 was publicly notified. The proposed definition of ‘retail activity’ in DPC73 is intended to be all encompassing and is considered more comprehensive than that in DPC66. Reinstating the definition from DPC66 will have subsequent implications for the rest of chapters in DPC73, and

potentially for the rest of the District Plan and is not supported. It is therefore recommended to retain the definition of 'retail activity' as publicly notified.

**Submission 26** seeks that the definition of 'service retail' be amended to include service stations or that the plan change includes a new definition of 'service station'. Service stations can be appropriate in Centres, and in Business 1 and 2 Areas, however Council wants to ensure that particularly within Centres, service stations are designed to establish positive visual effects, create an attractive and legible street environment and acknowledge, respect and reinforce the form and scale of the surrounding environment in which they are located. Officers consider that rather than amending the definition of 'service retail' to include service stations, it would be more appropriate to include service stations in the definition of yard-based retail. It is also considered appropriate to take this opportunity to make a minor amendment to the definition of 'yard based retail' to be consistent with other provisions in the Plan Change. The suggested new wording for the definition of 'yard based retail' is as follows:

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

#### Recommendation

- **Accept** submission 117 insofar as it supports the definitions of 'integrated retail developments' and 'large format retail'.
- **Accept** submission 61 insofar as it seeks that the definition of 'gross floor area (for the purpose of any retail activity)' be amended to be consistent with Rules 7.3.4 and 34.4.3 - 34.4.4.
- **Reject** submissions 78 and 108 insofar as they seek that the definition of 'gross floor area (for the purpose of any retail activity)' be amended to exclude shared pedestrian circulation areas and non-leasable areas.
- **Accept** submission 76 insofar as it seeks that a new definition of 'building improvement centre' be included in the Plan Change, however delete the reference to 'garden centres and outdoor nurseries'.
- **Reject in part** submission 76 insofar as it seeks that the definition of 'retail activity' be amended to exclude building improvement centres and yard based suppliers.
- **Reject** submission 78 insofar as it seeks the reinstatement of the definition of 'retail activity' from DPC66.
- **Accept in part** submission 26 insofar as it requests an amendment to the definition of 'service retail' to include service stations.
- **Reject** submission 26 insofar as it requests adding a new definition to the plan change for 'service station'.

#### **4.9.2.3 Centres**

##### Submissions

Specific issues raised in submissions include:

- Moderate the introductory text in Section 6.1 that discusses the impact of large scale supermarkets and retailing on the viability and vitality of the city centre. Insert a new policy (located immediately after Policy 6.2.1.2) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible, as follows:
  - Where it can be demonstrated that development of large retail activities, such as supermarkets, is not feasible or practical, and where customer choice of retail offer would be enhanced by increased competition, then such uses will be encouraged to locate in, or close to, the fringe of Wellington's existing centres (Submission 108).
- Delete the term “small” when referring to supermarkets in respect of the listed “District Centres” (Policy 6.2.1.1). This is because it is not appropriate for Council to pre-determine the size of supermarkets. This implies a form of economic planning which is not supported under the RMA. Such decisions should be left to the market to determine, where the market will more accurately take into account the size of supermarket required to serve the catchment of the district centre (**Submission 108**).
- Amend explanatory text to Objective 6.2.2 and Policy 6.2.2.1 by adding a further statement acknowledging the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres as follows:
  - “The Council also acknowledges the important role played by smaller vehicle-oriented retail activities in adding to the diversity of Centres. Whilst growth and intensification is intended to result in a change to the form and function of Centres, it is recognised that this is a gradual process. During such time, vehicle oriented activities will continue to have a role particularly where they form part of a vehicle oriented node or are on the fringe of a Centre” (Submission 103).
- Confirmation of Policy 6.2.2.2 as publicly notified (**Submission 78**).
- Council should carefully consider how Rule 7.3.4.1 will be applied as the submission does not consider it necessary to protect the Golden Mile from outside competition entirely and consideration needs to be given to a number of factors including: its current level of vibrancy and vitality; its location in the central business district; the future projected population growth of the central business district; the historical pattern of development in the central city resulting in limited opportunity of additional retail space (**Submission 55**).
- Delete Rule 7.3.4.2 relating to large integrated retail developments as indicates that Council is going to start determining which business and services should be located in each centre, and Council will refuse applications which results in the loss of business or service Council considers important. This is considered to be excessive and unworkable. It is the function of the market to determine which businesses are present in an area not Council. The general public by their patronage will determine which shops and businesses are viable and those services and business will be represented in centres. However, if a business or service is not viable it will be lost (**Submission 55**).

### Discussion

**Submission 108** requests that Council moderate the introductory text in Section 6.1 that discusses the impact of large scale supermarkets and retailing on the viability

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

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

The proposed additional policy is unnecessary. The Centres zone already incorporates both the 'core' of the Centre and its fringe. In most cases in Wellington, the area immediately beyond the Centres zone is zoned Residential and contains predominately residential buildings. A supermarket would be inappropriate in this location.

**Submission 108** requests the deletion of the term "small" when referring to supermarkets in respect of the listed "District Centres" in Policy 6.2.1.1. **Further submission 13** opposes this submission. Whilst there are no policies or rules which restrict the size of supermarkets in these centres, the wording in the policy is reflective of the current situation, and the deletion of the word 'small' could appropriately reflect future development. As such it is recommended that this submission be accepted in Centres. Therefore it is recommended to retain the wording as proposed.

**Submission 103** seeks an amendment to the explanatory text to Objective 6.2.2 and Policy 6.2.2.1 by adding a further statement acknowledging the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres. Officers consider that this is unnecessary as a whole host of activities make up a Centre; it is unnecessary to list them all.

**Submission 78** seeks confirmation of Policy 6.2.2.2 as publicly notified. The support of **submission 78** should be accepted.

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

Officers do not agree with this submission as out-of-centre retailing was identified as a key issue that needs to be better managed. Any changes to the retail rules may potentially undermine the role and function of Centres and Council's and the

community's investment in infrastructure and community services and facilities and management of the traffic network. The proposed rules only require that a consent is to be gained. It is therefore recommended to reject this submission.

### Recommendation

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

#### **4.9.2.4 Business Areas**

##### Submissions

Specific issues raised in submissions include:

- Insert a new policy (located immediately after Policy 33.2.1.3) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible (**Submission 108**).
- Amend Policy 33.2.2.4 to add word "significantly" to third bullet point (**Submission 108**).
- Extend the retail activities permitted in Business 2 Areas to include service stations (with an appropriate definition included in the Plan) (Policy 33.2.2.6, Rule 34.1.3, Standard 34.6.1.14.1); or change the definition of service retail to include service stations (**Submission 26**).
- Support explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas (**Submission 108**).
- Amend Policy 33.2.2.5 to recognise the existing DressSmart development at 24 Main Road, Tawa (**Submission 54**).
- Amend Policy 33.2.2.6 to include 'building improvement centres' and amend Rule 34.1.3 to confirm that 'building improvement centres' are permitted within the Business 2 Areas (**Submission 76**).

- Supports Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which require large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities (**Submission 117**).
- Amend Rule 34.4.2 so that supermarkets locating in Business 1 Areas with a GFA of more than 1,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities) (**Submission 108**).
- Amend Rule 34.4.4 so that integrated retail developments locating in Business 1 Areas with a GFA of more than 2,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities) (**Submission 108**).
- That the proposed provisions of DPC73 that support large format retail being developed on Takapu Island be adopted, but that changes be made to the provisions of DPC73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the site known as Takapu Island (3 Main Road, Tawa) (**Submission 53**).
- That Council adopt the provisions of DPC73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity (**Submission 84**).
- Amend the rules in Chapter 34 to clearly exclude only those activities which are demonstrably incompatible with the Business 2 Area zoning, or which would demonstrably affect the viability and vitality of other identified centres (**Submission 57**).
- Reclassify those retail activities that are not permitted activities within the Business 2 Areas from non-complying activities to restricted discretionary activities (**Submission 57**).

### Discussion

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

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

**Further submission 14** supports this submission.

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

**Submission 108** seeks that the word “significantly” be added to the third bullet point of Policy 33.2.2.4. Officers agree with this submission to be consistent with bullet points 1, 2, 4 and 5 of Policy 33.2.2.4.

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

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

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

**Submission 108** supports the explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas. This support should be accepted.

**Submission 54** opposes the plan change in that it does not recognise the existing DressSmart development at 24 Main Road, Tawa as a resource for the community without compromising the vibrancy or viability of existing town centres, and as such requests an amendment to Policy 33.2.2.5 to recognise the DressSmart development. Officers consider it unnecessary to include additional text as the development is already there and has existing use rights. Council will still want to manage any future development in Tawa South however, in line with all other areas. For this reason, Officers recommend rejecting this submission.

**Submission 76** seeks the amendment of Policy 33.2.2.6 to include 'building improvement centres' and amend Rule 34.1.3 to confirm that 'building improvement centres' are permitted within the Business 2 Areas. **Further submission 7** supports this submission. These types of retail activities are provided for as permitted activities within the Business 2 Areas therefore this submission should be accepted. Officers also recommend that Rules 34.1.2 and 34.4.3 should also be amended to clarify that these activities are provided for in Business 1 Areas.

**Submission 117** supports Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which requires large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities. The support of **submission 117** should be accepted.

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

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

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

compact urban form of the City or generate significant adverse effects on infrastructure, being large supermarkets and large integrated retail developments.

Large supermarkets and large integrated retail developments establishing out of centre have the potential to generate significant adverse effects on existing centres. These retail activities above the set thresholds will be required to provide an economic assessment and traffic/roading assessment. In addition, retail activities establishing in out-of-centre locations have been identified as one of the lead causes for eroding the industrial land base of the city. The proposed provisions seek to discourage most mainstream retail activities from the Business 2 areas, allowing only those retail activities that support industrial activities. It is therefore considered appropriate to retain the discretionary (unrestricted) activity status for supermarkets larger than 1500m<sup>2</sup> and integrated retail developments larger than 2500m<sup>2</sup> in Business 1 Areas; and also retain the default non-complying activity status for most retail activities in Business 2 Areas. This provides clearer guidance to developers on the appropriate location of these activities.

**Submission 53** supports the provisions in DPC73 that relate to large format retail being developed on Takapu Island, but requests that changes be made to the provisions of DPC73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the Takapu Island site. **Further submissions 13 and 18** oppose this submission.

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

**Submission 84** seeks that Council adopt the provisions of DPC73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity. This submission should be accepted.

### Recommendation

- **Reject** submission 108 insofar as it seeks that a new policy be inserted (located immediately after Policy 33.2.1.3) that emphasises that fringe-of-centre locations are preferable in instances where in-centre locations are not possible.
- **Accept** submission 108 insofar as it seeks that the word “significantly” be added to the third bullet point of Policy 33.2.2.4.
- **Reject** submission 26 insofar as it requests that the retail activities permitted in Business 2 Areas be extended to include service stations.
- **Accept** submission 108 insofar as it supports the explanatory text of Policy 33.2.2.5 relating to the Tawa South and Takapu Island Business 1 Areas.
- **Reject** submission 54 insofar as it seeks that Policy 33.2.2.5 be amended to recognise the existing DressSmart development at 24 Main Road, Tawa.
- **Accept** submission 76 insofar as it seeks that Policy 33.2.2.6 be amended to include ‘building improvement centres’ and amend Rule 34.1.3 to confirm that ‘building improvement centres’ are permitted within the

Business 2 Areas, and Rules 34.1.2 and 34.4.3 to confirm that 'building improvement centres' are permitted within the Business 1 Areas.

- **Accept** submission 117 insofar as it supports Rules 34.4.2, 34.4.3, 34.4.4 and 34.4.5, which requires large supermarkets and large retail developments that have potential to generate large amounts of traffic, being Discretionary (Unrestricted) Activities.
- **Reject** submission 108 insofar as it seeks that Rule 34.4.2 be amended so that supermarkets locating in Business 1 Areas with a GFA of more than 1,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities).
- **Reject** submission 108 insofar as it seeks that Rule 34.4.4 be amended so that integrated retail developments locating in Business 1 Areas with a GFA of more than 2,500m<sup>2</sup> are discretionary (restricted) activities (rather than discretionary (unrestricted) activities).
- **Reject** submission 57 insofar as it seeks that Council reclassify those retail activities that are not permitted activities within the Business 2 Areas from non-complying activities to restricted discretionary activities.
- **Reject** submission 53 insofar as it seeks that Council adopt the proposed provisions of DPC73 that support large format retail being developed on Takapu Island, but that changes be made to the provisions of DPC73 to allow for a supermarket bigger than 1500m<sup>2</sup>, and that limitations of integrated retail of 10,000m<sup>2</sup> be relaxed on the site known as Takapu Island (3 Main Road, Tawa).
- **Accept** submission 84 insofar as it seeks that Council adopt the provisions of DPC73 which provide for retail on its site at 180-208 Hutt Road as a permitted activity.

### **4.9.3 Residential activities**

#### Submissions

Specific issues raised in submissions include:

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

### Discussion

It is considered appropriate to accept **Submission 31** which seeks minor amendments to the rules relating to residential activities within Business Areas, as the amendments will provide consistency with other rules in the chapter, and will provide clarity on when the rules are to be applied.

The support of **submission 103** is accepted.

### Recommendation

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

## **4.10 Urban design**

### **4.10.1 General**

#### Submissions

Specific issues raised in submissions include:

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

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

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

*The construction of, or addition to, buildings and structures in Business 2 Areas resulting in a total gross floor area exceeding 4000m<sup>2</sup>, and located on a site ~~adjacent to~~ adjoining or abutting a*

*Residential Area or a state highway are Discretionary Activities (Restricted) in respect of...*” (**Submission 76**).

- Amend Rule 34.3.5 to recognise the use and location of a particular site with respect to whether an urban design assessment will be required for new buildings in Business 1 Areas (**Submission 76**).
- Objectives 6.2.3 and 33.2.4 – Built development, urban form and public space and associated policies 6.2.3.1 and 33.2.4.1 are retained as notified (**Submission 83**).
- The submission supports the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area (**Submission 83**).
- That Council strengthen the zone interface policies rules to ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas (**Submission 93**).
- Include a process to explain how Council or developers will recognise streets that have significant character when requiring streetscape appraisals for applications that are to be assessed against a Design Guide (**Submission 109**).
- Retain objectives 6.2.3 and 33.2.4, relating to the built environment, urban form and public space, and their associated policies (**Submission 131**).

Discussion

The support of **submission 4** for increased policy guidance for urban design should be accepted.

**Submission 9** requests that accurate drawings showing design and scale of any approved new building should be displayed for any consented development site. This request is not supported by Officers. Not only would the public display of plans be very costly for Council and involve significant resource, it could also prove to be a fruitless exercise given that some consented developments never actually get built. In addition, the request is not a matter that is within the scope of this plan change.

Most recent resource consent files are able to be viewed by the general public in the Customer Service Centre of the Council. More historic consents are held in City Archives. These services are considered to be a satisfactory arrangement in allowing public access to files and in this regard it is not recommended that **submission 9** is accepted.

**Submission 9** also seeks that any new developments at Rongotai South should harmonise to mask inevitable bulk. It is agreed that bulky buildings should be designed to minimise their impact on the surrounding areas. However, the intention is not just limited to larger scale buildings in Rongotai South. It is a key message in the Centres and Business Area Design Guides which are intended to apply across the City. The siting of buildings should allow for intended activities while also acknowledging neighbouring buildings, reinforcing valued patterns of public space, and creating positive open spaces. **Submission 9**'s suggestions of landscaping or the use of murals are all relief techniques that can be applied through the Design Guides if necessary. It is recommended that **submission 9** be accepted in this regard.

**Submission 9** also seeks that Council establish a Community Consultative Committee to mirror the work of the Technical Advisory Group with regard to

building design. Officers acknowledge that there is certainly some merit in community notification and information on new development for a particular neighbourhood. For Residential Areas, Council provides curtesy letter service where neighbours are informed of proposed development in their neighbourhood. This service is not an invitation to comment on a particular development but rather an opportunity for interested parties to be aware of proposals. Council Officers have found this service to be effective in dispelling anxiety and keeping people informed. Officers are satisfied with this arrangement for Residential Areas but at this stage do not consider it necessary to extend this to other commercial parts of the City. It is considered that appropriate community involvement is set out under the RMA resource consent process and in this regard the suggested Community Consultative Committee is not supported.

**Submission 26** seeks that under Objective 6.2.3 include a new policy that provides for the location of service stations and other vehicle-oriented activities at the edge of centres. In addition, **Submission 26** seeks that Rule 7.3.6.1 does not apply to service stations. The submission states that while the proposed plan change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then places “severe” constraints on the ability of a service station to meet these standards. The submission considers that the plan change has not adequately taken into account the role that service stations play in Centres.

Objective 6.2.3 is concerned with the built development, urban form and public space of Centres (and other adjoining areas). Under the objective, particular emphasis has been placed on the importance of Wellingtons Centres, especially development proposed on the identified primary and secondary frontages (discussion on these frontages is under section 4.10.2 of this report).

One of the key reasons behind the Suburban Centre Review was increasing concerns about the quality of new development in the commercial suburban areas. Plan Change 73 has introduced policies and rules that require high standards of urban design for new buildings and structures. It is considered that quality design is particularly important for new buildings that are significantly taller or larger than their neighbours, as their size and height can have a significant impact on the character and amenity values of the area. This can also be said for vehicle orientated uses such as service stations where buildings may require a set back from the street edge. Officers maintain that the design of new buildings must acknowledge and respond to the character of adjoining sites. Under the Discretionary Activity process, design guides are to be used to assess most new building developments in Centres to ensure that any new building enhances the public realm.

However, it is acknowledged that the site layout and design (i.e. setbacks) of vehicle orientated uses such as service stations and drive through restaurants may not be adequately reflected in the Design Guides. To help provide better policy guidance, amendments are recommended to policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 explanation as follows:

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

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

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

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

*The Plan seeks to avoid such outcomes within Centres. It is Council's view that the characteristic pattern of these areas should be maintained by ensuring that existing retail frontages are retained. ~~Change may be brought about as part of master planning, structure planning and concept planning exercises.~~ However, it is acknowledged that some activities, especially those dominated by vehicular activities such as service stations and drive through restaurants, may be required to be located into specific sites to enable compliance with these policies.*

*Within the primary and secondary frontages there are a number of existing activities that are setback and not built directly to the street edge. The erection of new buildings or additions or alterations to existing buildings will require consent to allow Council to consider the potential impact on the visual amenity of the street. Set backs may be appropriate if it can be demonstrated that the proposal will not detract from the visual qualities of the streetscape. Council will seek to ensure that any new proposals continue to reinforce the street grid and common alignment.*

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

In addition, amendments are proposed to the Centres and Business Area Design Guides to help with policy guidance. These changes are discussed in section 4.10.6 of this report.

**Submission 55** opposes Rule 7.3.6 as the matters Council has restricted its discretion to are so numerous and broad in scope that it appears to be no matter that Council cannot consider.

Rule 7.3.6 requires that proposals for new buildings and structures within Centres apply for resource consent to allow an urban design assessment to be undertaken. There are a few exceptions to the rule, but the majority of new building work in the Centres is covered by this rule.

Monitoring of the quality of existing and new building developments in the City's commercial suburban areas in 2007-2008 indicated that there is scope for improvement in the way that Council undertakes the design assessment for new building works. The monitoring report concluded that a significant barrier to achieving better overall building design was because of the poor quality of many current buildings and the largely permissive nature and lack of design assessment in the Operative District Plan.

As a result the Suburban Centre Review proposes to elevate the status of the design assessment rule to Discretionary Activity (Restricted). This status will mean that the Council's discretion remains limited to the design aspects of new building works, but will enable the Council to decline applications for developments that

would be inconsistent with the provisions of the Centres Design Guide and detrimental to the quality of the public environment of Centres.

**Submission 55** is concerned at the amount of discretion Council now has over new buildings. It is acknowledged that the new discretionary activity status places a greater onus on the Council to provide consistent, timely and transparent urban design advice during the pre-application phase.

In recognition of the proposed Discretionary Activity status for design assessment, significant time and effort was spent in formulating the Centres policies for urban design. Given the importance placed on achieving a high quality built environment in Wellington in general, the Operative District Plan provides comparatively little guidance as to the type and quality of outcomes that the Council was seeking to achieve.

The new, expanded policies on urban design, urban form, landscaping and site access in Centres will provide all parties with greater clarity as to the built outcomes that the Council is seeking in Centres. The policies will provide a much more robust framework for assessing applications for new buildings and structures. The policies also provide a more affirmative direction for new building work. They acknowledge the potential positive effects of buildings that are of high design quality, even if those buildings do not comply completely with the building standards specified in the District Plan.

While the submission's concerns regarding the new rule are recognised, it is considered that the Discretionary Activity status of rule 7.3.6 is vital to ensure that new developments, particularly those currently at the lower end of the design spectrum, make a positive impact on the public environment through the integration of quality urban design.

**Submission 76** seeks that the fifth bullet point of Rule 34.1.6 regarding new buildings within Business 2 Areas that are adjacent to Residential Areas be amended to read as follows:

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

In addition, the submission suggests that Rule 34.3.8 be amended to read as follows:

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

The submission considers that it is vital to acknowledge that the Business 2 Areas do not require the same level of urban design assessment as other areas of the City. The submission is fearful that the introduction of urban design considerations to the Business 2 Areas is potentially eroding the ability of a site to operate an activity that is permitted under the District Plan. The submission considers that the explanation wording of some of the Business Area policies is contradictory in some places.

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

As mentioned above, the monitoring exercise of the quality of existing and new building developments in the City's commercial suburban areas in 2007-2008 indicated that there is scope for considerable improvement in the way that Council undertakes the design assessment for new building works. Monitoring showed that poor design was not just limited to the finer grained shopping centres, it was also evident in more work-based areas of the city where larger scale buildings have been erected, especially when visible from public thoroughfares.

When considering the impact of larger buildings, significant time and effort was spent in formulating the policy direction to be taken in Business Areas. Indeed, as noted by the submission, Policy 33.2.4.2 clearly states that "*In Business 2 Areas Council acknowledges that urban design assessment will usually not be necessary*". Special consideration was given to the threshold of when a large building may need design assessment. Council considered that larger buildings that can be seen from Residential Areas or from the state highway should have design consideration. It was concluded that buildings larger than 4000m<sup>2</sup> was an appropriate threshold. Various explanation wording in the policies echoes this thinking and it is not considered that it is contradictory to acknowledge that a lower standard of amenity may be acceptable, but in some cases new larger buildings may need more design consideration.

**Submission 73** suggests the removal of the reference to Residential Areas from these rules. This amendment is not supported by officers. The adverse effects of work-based activities in Business 2 Areas can affect the amenity values of adjoining areas. Work-based activities can create a number of adverse effects including visual impact on urban form and amenity. Where an industrial area is situated in close proximity to residential neighbourhoods or other areas which enjoy higher environmental amenity standards, the generation of such effects can have adverse cross-boundary impacts. It is for these reasons that the removal of the reference to Residential Areas in Rules 34.1.6 and 34.3.8 is not supported. In addition, the words "*some Residential Areas and*" should be inserted to sentence 2, paragraph 3 of Policy 33.2.4.1 as shown in the following page of this report.

**Submission 76** is also concerned with the use of the word "adjacent" in the rule and has suggested the word "adjoining" instead. The use of the word "adjacent" was a deliberate action as it allowed for the rule to apply to Business 2 land that was clearly visible from state highways but not adjoining. Given the hilly nature of Wellington, often sites are visible from the highway even though they may not adjoin or abut it. In this regard it is considered that "adjacent" is the most appropriate word to achieve the intent of the rule.

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

As discussed above, in recent years Council and the community has become increasingly concerned about the quality of new development in the commercial areas of Wellington's suburbs. Given the importance placed on achieving a high quality built environment in Wellington in general, a new discretionary activity status is proposed to help deliver optimal urban design outcomes. This will inevitably increase the importance of pre-application meetings between developers, architects and Council's urban design team. A collaborative design-based approach, rather than conforming to quantitative standards, provides greater opportunities to find a solution that works for both the applicant and the public

realm. By engaging with council advisors from the early site-planning stages, applicants can ensure a smooth process once a resource consent is submitted.

It is not agreed that the introduction of urban design considerations to the Business 1 Areas is potentially eroding the ability of a site to operate an activity that is permitted under the District Plan. Larger, buildings are able to locate in such areas, but given their size and bulk, Officers consider it reasonable to that they are assessed for their fit within a surrounding neighbourhood and do not support the suggested amendments to Rule 34.3.5. However, it is agreed that clearer guidance can be incorporated into the explanation of Policy 33.2.4.1 to acknowledge that a lower amenity for some activities in Business 1 Areas may be acceptable in some cases. The following changes are recommended:

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

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

*Urban design assessment is not always required in the Business Areas as these are often utilitarian by character and do not warrant the level of assessment that may be required in more sensitive areas of the City such as the Central Area and Centres. Nevertheless, many of the City's Business Areas are located along major thoroughfares, or in or near to more sensitive receiving environments. Where there are zone interfaces, Council will seek to balance flexibility of design and use with some urban design guidance in sensitive areas.*

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

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

Moving on to **submissions 83 and 131**. Both these submissions support the retention of objectives 6.2.3 and 33.2.4 and their associated policies. **Further submission 13** supports submission 131. The support of **submissions 83 and 131** is acknowledged and should be accepted.

**Submission 83** supports the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area. This support should be accepted.

**Submission 93** seeks that Council strengthen the zone interface policies and rules ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas.

Policy 6.2.3.8 specifically deals with zone interfaces and ensures that there is an appropriate transition between Centres and more sensitive areas such as Residential. The Activity Standards, together with the Buildings and Structures Standards also provide tools to allow for appropriate buffers and transitional spaces between different zones. Officers are satisfied with these provisions and do not recommend changes in this regard.

**Submission 109** refers to the streetscape appraisal text of Chapter 3, section 3.2.4.2.1 which refers to the specific design requirements for resource consents that are assessed under the Residential Design Guide. The sentence is as follows:

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

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

It is noted that a **Submission 55** to Plan Change 72 has sought clarification for when a streetscape appraisal will be applied (please refer to section 4.23 of the Plan Change 72 Officers Report). The officer has recommended an amendment to the wording to indicate that the appraisal would apply to areas that are recognised under the pre-1930 demolition rule and the residential coastal edge. It is considered that this clarification amendment will also address **submission 109** and provide greater clarity to plan users.

### Recommendation

- **Accept** submission 4 insofar as it supports increased policy guidance for urban design.
- **Reject** submission 9 insofar as it requests accurate drawings showing design and scale of any approved new building should be displayed for any consented development site.
- **Accept** submission 9 insofar as it requests that any new developments at Rongotai South should harmonise to mask inevitable bulk.
- **Reject** submission 9 insofar as it requests that Council establish a Community Consultative Committee to mirror the work of the Technical Advisory Group with regard to building design.
- **Reject** submission 26 insofar as it seeks that the Plan Change specifies that Rule 7.3.6.1 does not apply to service stations.
- **Reject** submission 26 insofar as it seeks that under Objective 6.2.3 include a new policy that provides for the location of service stations and other vehicle-oriented activities at the edge of centres, but allow for additional explanation to be added to Policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 as recommended by Officers.
- **Reject** submission 55 insofar as it opposes Rule 7.3.6 as the matters Council has restricted its discretion to are so numerous and broad in scope that it appears to be no matter that Council cannot consider.

- **Reject** submission 76 insofar as it requests the amendments Rules 34.3.5, 34.1.6 and 34.3.8 regarding new buildings within Business Areas that are adjacent to Residential Areas and requirement of an urban design assessment, but allow for additional explanation to be added to Policy 33.2.4.1 as recommended by Officers.
- **Accept** submission 83 insofar as it requests that Objectives 6.2.3 and 33.2.4 – Built development, urban form and public space and associated policies 6.2.3.1 and 33.2.4.1 be retained as notified.
- **Accept** submission 83 insofar as it supports the retention of Rules 7.3.6, 34.3.5 and 34.3.7 and the requirement for building works to be assessed against the provisions of the relevant design guide or character area.
- **Reject** submission 93 insofar as it requests Council strengthen the zone interface policies and rules to ensure that the more liberal rules within Centres are not used to undermine the design and other controls within surrounding residential areas.
- **Reject** submission 109 insofar as it requests the inclusion of a process to explain how Council or developers will recognise streets that have significant character when requiring streetscape appraisals for applications that are to be assessed against the Residential Design Guide, but amend the Plan Change 72 Chapter 3, 3.2.4.2.1 as recommended by officers to provide greater clarity of the intent.
- **Accept** submission 131 insofar as it seeks the retention of objectives 6.2.3 and 33.2.4 and their associated policies.

#### 4.10.2 Street frontages/verandahs

##### Submissions

Specific issues raised in submissions include:

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

*“The ~~creation of~~ demolition of buildings to create vacant land, open land or parking areas (at ground level) on sites that are visible from public spaces, or that have a located on primary or secondary street frontages as identified on maps 43 to 49 and 49a, is a Discretionary Activity (Restricted) in respect of:...”* (**Submission 31**).
- Delete Rule 7.3.3 (creation of parking areas at ground level) (**Submission 108**).
- Specify that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage (**Submission 26**).

- Add an additional standard to require all new buildings to be built up to the street edge along primary street frontages as follows:
  - “7.6.2.2.x New buildings built on a site identified as having a primary street frontage (as identified on planning maps 43 to 49A), must be built up to the street edge along the primary frontage, for the full width of that frontage.” **(Submission 31)**.
- Amend wording of Standard 7.6.2.5.1 relating to verandah requirements as follows:
  - “7.6.2.5.1 Verandahs must be constructed along any building frontage ~~fac~~adjoining the boundary of a street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building” **(Submission 108)**.
- Amend Standard 7.6.2.5.1 relating to verandahs as follows:
  - “7.6.2.5.1 ~~A~~ ~~Verandahs~~ must be constructed along any building frontage facing a primary and secondary street frontage street, pedestrian mall, pedestrian walkway, or other public space identified in District Plan Maps 43 to 49A, unless that building is a listed heritage building” **(Submission 64)**.
- Specify that Standard 7.6.2.5.1 does not apply to service stations located on a Secondary Street Frontage **(Submission 26)**.
- Delete Standards 7.6.2.5.2 and 7.6.2.5.3 relating to verandahs **(Submission 64)**.
- Amend wording of Standard 7.6.2.5.4 relating to verandah requirements as follows:
  - “7.6.2.5.4 A verandah required by standard 7.6.2.5.1 must:
    - extend for the full length of the ~~building~~ primary or secondary street frontage
    - extend 3 metres outwards from the front of the building (minus any requirement for a 450mm horizontal set back from the kerbing)
    - ~~provide continuous shelter with any adjoining verandah or pedestrian shelter~~
    - ~~relate to its neighbours~~” **(Submission 108)**.
- Amend third bullet point of Standard 7.6.2.5.4 exempting the requirement for verandahs over existing vehicle access crossings, as follows:
  - “provide continuous shelter with any adjoining verandah or pedestrian shelter, except over that part of the frontage used for vehicle access...” (new wording underlined) **(Submission 103)**.
- Amend heading of Standard 7.6.2.6 as follows:
  - “~~Primary and Secondary Street Frontages and Display Windows~~” **(Submission 31)**.

- Standard 34.6.2.5.1 relating to verandahs is supported (**Submission 108**).
- Delete Standards 7.6.2.6.1 to 7.6.2.6.3 inclusive relating to display windows (**Submission 108**).
- Confirm that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1 to 7.6.2.1.3) (**Submissions 13 and 14**).
- Under Standard 7.6.2.6.2, delete the phrase “and secondary” (**Submission 64**).
- Delete Standards 7.6.2.6.5 and 7.6.2.6.6 or alternatively amend to recognise the particular constraints of the building typology of supermarkets (**Submission 108**).

### Discussion

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

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

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

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

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

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

Officers acknowledge that a building with a gross floor area of less than 100m<sup>2</sup> and resulting in a total coverage (together with other buildings) of no more than 20 percent of the site could be built as of right on a site with a street frontage other than an identified primary or secondary street frontage, but that an addition or alteration that does not comply with 7.1.4.1 would trigger the requirement for a resource

consent. However, Officers consider that adding an additional floor or two to any existing building, for example, could have quite a significant visual impact on the streetscape and would therefore warrant requiring resource consent. For these reasons, Officers consider it appropriate to retain Rule 7.1.4 as it is, and therefore **submission 55** should be rejected.

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

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

Officers consider that the concerns of the submission are overstated. There is a similar rule in the Central Area, which has been in existence since the operative District Plan was notified in 1994. From discussions with Council’s Resource Consenting Officers this rule is not triggered often, as applications generally include the construction of a new building, and the Officers would apply the appropriate “construction of new building” rule rather than the “creation of vacant land” rule. For these reasons, it is considered appropriate to retain Rule 7.1.5, as notified, subject to the minor amendments to Rule 7.3.3 being made.

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

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

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

**Submission 108** requests that Rule 7.3.3 (creation of parking areas at ground level) be deleted. **Further submissions 2, 11 and 13** support this submission. The creation of vacant space, gaps in the streetscape or parking areas at street level on identified primary and secondary street frontages could have a detrimental effect on the amenity and streetscape of the city. These effects include a loss of vitality, particularly in the main retail or commercial areas; and the erosion of streetscape quality. The Plan seeks to avoid such outcomes within Centres. It is Council’s view that the characteristic pattern of these areas should be maintained by ensuring that existing retail frontages are retained. There are also often other opportunities to create parking on a site that can be utilised. For these reasons, it is considered inappropriate to delete this rule, and therefore this submission should be rejected.

**Submission 26** seeks that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage. Officers

support this submission in part in that it is agreed that recognition of vehicle orientated uses such as service stations can be incorporated in to the proposed plan change. Amendments have been recommended to policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 (discussed in section 4.10.1 of this report) and changes are also recommended to the Design Guides to better cater for cases where vehicle orientated activities are proposed. Officers uphold however, that Rule 7.3.3 plays an important role in the overall management of Centres and has been drafted to encompass consideration of all development types (via the policies and design guides). With a service centre development, there are often a multitude of options for site configuration. Council will be seeking to ensure that any such development is configured to maintain the building edge on the streetfront wherever possible and to locate parking elsewhere within the site. In this regard, service stations should not be specifically exempted and it is recommended that the rule should be retained as notified.

**Submission 31** seeks that an additional standard be included under the heading “*‘Active’ building edges*” under 7.6.2.6 to require all new buildings to be built up to the street edge along primary street frontages. This submission is opposed by **further submission 13**.

It is considered that an amended version of this standard will assist in ensuring that primary street frontages are continuous and that new buildings are appropriately designed and in keeping with the surrounding character. For this reason, this submission should be accepted in part with the wording as follows:

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

## **Verandahs**

**Submission 108** supports Standard 34.6.2.5.1 relating to verandahs. This support should be accepted.

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

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

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

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

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

**Submission 26** seeks that Standard 7.6.2.5.1, relating to verandah requirements, does not apply to service stations located on a Secondary Street Frontage. The

submission states that while the proposed plan change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then places “severe” constraints on the ability of a service station to meet these standards. The submission considers that the plan change has not adequately taken into account the role that service stations play in Centres.

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

**Submission 108** seeks that the wording of Standard 7.6.2.5.4, relating to verandah requirements, be amended to clarify that the area where verandahs are required is the parts of the site which are identified as primary and secondary street frontages. **Further submission 13** supports this submission. **Submission 108** asserts that this also recognises the operational constraints of supermarkets where it may not be achievable or necessary to locate continuous verandahs along all frontages of a supermarket building, and that the requirement for a verandah to “relate to its neighbours” is vague and open to interpretation to the point that it is an unworkable requirement for a standard. The submission suggests the following wording:

7.6.2.5.4      A verandah required by standard 7.6.2.5.1 must:

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

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

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

This submission is supported by **further submission 13**. Providing shelter for pedestrians is viewed as a very important requirement for new development in Centres. Many of the wording changes suggested by **submissions 26, 64, 103 and 108** undermine the intent of what Council is trying to achieve and reduces the ability for Council to advocate for verandahs to be built on the street edge. For example the removal of the reference to “*street, pedestrian mall, pedestrian walkway or other public space*” in Standard 7.6.2.5.1 as suggested by **submission 64** narrows Councils ability to consider all possible design scenarios and how these may interact with the public space.

As discussed in the general urban design and design guide sections of this report, Officers recommend more policy guidance regarding building design, particularly on identified street frontages and when it may be appropriate for a building to be set back from the street edge (thus not requiring a verandah). However, it is firmly maintained that the specific standards that have been put in place regarding verandahs and primary and secondary frontages are key to ensuring the commercial parts of our suburbs are of high quality and provide sufficient amenity to pedestrians. Primary and secondary street frontages in the Centres provisions have the

overarching goal of ensuring that publicly-relevant activities are placed at the edges of buildings to help communicate how the building is being used and occupied and ensure active edges.

Nevertheless, it is agreed that further emphasis can be incorporated into the Centres provisions to allow better consideration of vehicle oriented activities, such as supermarkets, service stations and drive through restaurants. Officers are recommending amendments to policies in the Centres Area and Business Area chapters, as well as changes to the Design Guides to provide better policy guidance. Some amendments are also proposed to the standards to clarify where verandahs should be required as follows:

- 7.6.2.5.1 *Verandahs must be constructed along any building ~~frontage~~ elevations facing a street, pedestrian mall, pedestrian walkway, or other public space identified in primary frontage (as identified on District Plan Maps 43 to 49A) unless that building is a listed heritage building.*
- ~~7.6.2.5.2 For frontages not identified on District Plan Maps 43–49A, within Centres provided that:~~
- ~~• the building is not a heritage building listed or area in Chapter 21, or~~
  - ~~• the adjoining public space~~
- 7.6.2.5.2 *Verandahs must be constructed along any building elevation facing a public space which extends more than 12 metres perpendicular from the building elevation.*
- 7.6.2.5.3 Any verandah must:
- provide a minimum clearance of 2.5 metres directly above the footpath or formed ground surface
  - be no more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface
  - provide a minimum horizontal set back of 450mm from any point along the kerbing extending back to the site boundary
  - extend no more than 3 metres in width from the front of the building
- 7.6.2.5.4 A verandah required by standard 7.6.2.5.1 must:
- extend for the full length of the building elevation
  - extend 3 metres outwards from the building elevation (minus any requirement for a 450mm horizontal set back from the kerbing)
  - ~~• provide continuous shelter with any adjoining verandah or pedestrian shelter~~
  - ~~• relate to its neighbours~~
  - provide an appropriate transition to adjoining verandahs
- ~~7.6.2.1.5 Secondary frontages in Neighbourhood Centres are not subject to the verandah standards stated in standards under 7.6.2.5.~~

## **Display windows**

**Submission 108** seeks that Standards 7.6.2.6.1, 7.6.2.6.2 and 7.6.2.6.3, relating to display windows be deleted. The submission asserts that display windows are not feasible on some parts of a supermarket. For example, sunlight on fresh and chilled/frozen products can cause the products to perish, and can cause food safety issues if foods are warmed by sunlight. The submission considers that inclusion of

this standard as drafted does not adequately recognise that supermarkets are likely to be an anchor store within a centre, and that more flexible design standards are more appropriate for anchor stores, given the benefit that such stores provide to the centre as a whole.

The importance of supermarkets as anchor stores has been discussed in Section 4.10.6 of this report where it is agreed that greater recognition of the importance of supermarkets in Centres can be incorporated into policy guidance.

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

**Submissions 13 and 14** seek confirmation that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1 to 7.6.2.1.3). **Submission 13** is supported by **further submission 1**. **Submission 64** also seeks that the phrase "and secondary" is deleted from under Standard 7.6.2.6.2, as it is clear from Standard 7.6.2.6.1 that the display window standard applies to primary frontages only. Officers agree with these three submissions as the intention is for display windows to apply only to identified primary street frontages. The recommended change is as follows:

7.6.2.6.2 *Display windows on primary ~~and secondary~~ street frontages must be transparent and not be blocked off from view from the public street by the use of obscure roller shutter doors, obscure screens or similar structures. Transparent or semi-transparent security grilles are permitted.*

### **'Active' building edges**

**Submission 108** seeks that Standards 7.6.2.6.5 and 7.6.2.6.6, relating to continuous/blank walls, be deleted or alternatively amend to recognise the particular constraints of the building typology of supermarkets. The submission asserts that these standards do not recognise the role of anchor stores in town centres, nor that given the particular constraints of their building typology, these standards would be particularly difficult to achieve in many cases. The submission considers that the words "continuous/blank" could be interpreted to mean continuous or blank. A wall could be continuous but not blank. It is submitted that if this standard is retained then the forward slash should be removed, so that a wall has to be both continuous and blank for this rule to apply. These standards also do not allow for creative design. For example, an art installation along a wall should not be considered as providing a blank wall. A more realistic distance would be 6m, and even this should not be imposed on anchor store development or where a particular design aspect is proposed that can be demonstrated to be beneficial and integral to the elevation as a whole.

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

Change, as suggested by **submission 108**, would not allow for this design process and would not help achieve positive active public spaces and edges. The suggested 6m setback would do little to achieve a responsive edge either. Therefore **submission 108** is not supported in this regard.

#### Recommendation

- **Reject** submission 77 insofar as it requests that a clear definition be provided in the documents for ‘primary’ and ‘secondary street frontages’.
- **Reject** submission 55 insofar as it seeks that provision should be made in Rule 7.1.4 for parts of existing buildings which are visible from public spaces to be altered or extended as a permitted activity.
- **Reject** submission 55 insofar as it requests the amendment of Rule 7.1.5 to provide an exemption for the demolition of buildings for people who have developed plans and have obtained building consent.
- **Accept** submission 31 insofar as it requests the amendment of Rule 7.3.3 and 7.1.5 to clarify the intent of the rule relating to the demolition of buildings that create vacant land.
- **Reject** submission 108 insofar as it requests the deletion of Rule 7.3.3 (creation of parking areas at ground level).
- **Reject** submission 26 insofar as it requests that Rule 7.3.3 (creation of parking areas at ground level) does not apply to service stations located on a Secondary Street Frontage.
- **Accept** submission 31 insofar as it requests an additional standard to require all new buildings to be built up to the street edge along primary street frontages.
- **Accept in part** submissions 26, 64, 103 and 108 insofar as they request amendments to the standards relating to verandahs.
- **Accept** submission 31 insofar as it requests amending the heading of Standard 7.6.2.6.
- **Accept** submission 108 insofar as it supports Standard 34.6.2.5.1 relating to verandahs.
- **Reject** submission 108 insofar as it requests deleting Standards 7.6.2.6.1 to 7.6.2.6.3 inclusive relating to display windows.
- **Accept** submissions 13 and 14 insofar as they requests confirmation that the requirement for display windows only applies to Primary Frontages and not Secondary Frontages (Standard 7.6.2.6.1-3).
- **Accept** submission 64 insofar as it requests, under Standard 7.6.2.6.2, delete the phrase “and secondary”.
- **Reject** submission 108 insofar as it requests deleting Standards 7.6.2.6.5 and 7.6.2.6.6, or alternatively amended to recognise the particular constraints of the building typology of supermarkets.

#### **4.10.3 Frontages maps**

##### Submissions

Specific issues raised in submissions include:

- Amend planning maps 43-46 to show restricted road frontages (**Submission 117**).
- Delete the secondary street frontage applying to the submitter's sites at Miramar, Kilbirnie, Rugby Street and Newlands (**Submission 64**).
- Amend the Primary Frontage on the Coutts Street frontage to the Kilbirnie Woolworths site to a Secondary Frontage (Map 45) (**Submission 13**).
- Delete the Secondary Street Frontage classification in its entirety; or at the very least make the following specific deletions:
  - The Secondary Street Frontage classification for Strathmore be deleted from the Shell service station site.
  - The Secondary Street Frontage classification for Kilbirnie be deleted from the Shell service station site.
  - The Secondary Street Frontage for Crofton Downs be deleted from the Shell service station site (**Submission 26**).
- Update the Newlands primary and secondary street frontages map on planning map 49A to reflect further work being undertaken on the draft Newlands Centre Plan (**Submission 31**).
- Amend the street frontages map of Johnsonville (Map 48) (**Submission 78**).
- Amend the Johnsonville primary and secondary street frontages map on planning map 48 to delete the primary and secondary frontages on land not fronting a legal road or public space (**Submission 31**).
- Notwithstanding the above, amend the extent of the Primary Road frontage on Johnsonville Road to recognise the existing vehicular access points to the Warehouse/ Woolworths site (Map 48). In association with this, apply a 'Secondary Frontage' notation to the small section of proposed Primary Frontage, south of the main vehicular access into the Woolworths/ Warehouse site (**Submission 14**).
- That the length of frontage identified as primary street frontage on Planning Map 48 for Johnsonville be the same as that shown on Planning Map 43 of the Operative District Plan; and that the Secondary Street frontage notation on Planning Map 48 be deleted from the Moorefield Road frontage of the site (**Submission 103**).
- That the primary street frontage notation be deleted from 190 Riddiford Street, Newtown (**Submission 103**).
- Include the Tawa Town Centre frontages map onto planning maps 43-49A (**Submission 31**).
- Remove secondary frontage from Churchill Drive, Crofton Downs (**Submission 108**).

### Discussion

Many of the submissions received on this topic consider that the use of street frontages to help guide street edges and the buildings and activities that front them are overly restrictive. They consider that potential redevelopment along the identified frontages will be hamstrung by inflexible standards and subject to an uncertain

design guide process. Many of the submissions call for the complete removal of the street frontages altogether.

In response, it is important to emphasise that identified street frontages and associated rules have been used comprehensively in the District Plan since 1994. The Operative Plan identifies various frontages in the planning maps where verandah and display windows are required. In this regard, their concept is nothing new and their use is now well established in the Plan as a mechanism to ensure the amenity values of the built environment are upheld and improved.

Plan Change 73 has built on the existing frontages and expanded their use to include the identification of “primary and secondary frontages”. Although not specifically defined in the plan change, streets within all Centres are identified as:

- Primary frontages which are at the core of the neighbourhood and include the central part of any “main street”, or
- Secondary frontages which are connected to primary streets and spaces, and are likely to changes use over time.

All other streets are considered to be transitional streets which generally peripheral and transitional in use and potentially include intensive residential housing.

Given Council’s explicit obligation under the RMA to maintain and enhance values that are important to the public environment, it is considered entirely appropriate to assess how a development will fit in with its suburban or business context through the identification of street frontages and assessment tools in the Plan.

Under Plan Change 73, all new buildings proposed on a primary or secondary frontage will require resource consent. In addition, the demolition of buildings to create vacant land, open land or car parking areas will also require consent. Many development scenarios won’t necessarily need resource consent, provided it meets the primary and secondary frontage standards in the Plan. The table below summarises the key proposed standards that apply to primary and secondary frontages:

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

Depending on the site typology and use, it is acknowledged that some of the above standards may not be applicable to some proposed developments. However, Officers note that through a Discretionary Activity (Restricted) resource consent process, the Centres policies provide a much more robust framework and affirmative direction for assessing applications for new buildings and structures. They acknowledge the potential positive effects of buildings that are of high design quality, even if those buildings do not comply completely with the building standards specified in the District Plan. As emphasised throughout this report, if applicants engage the design process with a commitment to quality design, then an appropriate solution can be found.

It is for these reasons that Officers continue to promote the use of primary and secondary frontages and do not recommend that they are removed from the Plan. The following paragraphs consider the individual points made by the submissions.

### Submissions

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

Officers do not consider it necessary to show restricted road frontages on planning maps 43-46. Standard 7.6.1.7.11 (site access for vehicles) specifically states that no new access is permitted to (primary) frontages. This is considered adequately address the concerns of **submission 117**.

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

In regards to the frontages map for the Newlands and Mt Cook centres, Officers disagree that the secondary street frontages as they apply should be deleted. In these particular cases, the secondary frontages would limit residential activities at ground floor level, require a minimum height and apply a floor to floor stud height. These requirements are not considered to be overly restrictive for such important sites, and therefore it is appropriate to maintain these frontages to help achieve good design outcomes for areas.

Specifically concerning the Newlands site, it was agreed in the resource consent process that the primary building frontage faces in towards the main shopping centre car park area (McMillan Court). However, the building edge along Newlands Road and around the Bracken Road corner was also identified as an important and highly visible edge, therefore requiring a good design response. It is noted that resource consent for a supermarket development on the Newlands site referred to has recently been granted. Officers consider that the maps are consistent with the advice provided by officers in relation to these sites and the frontage provisions will therefore not result in any additional costs or risks insofar as this proposed development is concerned.

Continuing the Newlands theme, **Submission 31** requests that the Newlands primary and secondary street frontages map on planning map 49A be updated to reflect further work being undertaken on the draft Newlands Centre Plan.



In regards to the Newlands Centre map, officers consider it appropriate to update the frontage map to be consistent with the Newlands Centre Plan which identifies key active frontages within the centre. It is considered important for the District Plan to be consistent with the Centre Plan in order to help achieve the long term vision for the centre, particularly the achievement of good design outcomes for new development as this will contribute to the creation of a more pedestrian friendly and vibrant shopping centre area. As outlined above (in response to **submission 64**), Officers consider it appropriate to retain the current secondary frontage identified along Newlands Road and around the corner of Bracken Road. Officers consider it appropriate for additional primary frontages to be added along the edges of the current (and consented)

commercial/retail buildings where they front onto the main shopping centre area of McMillan Court. Additional secondary frontages should also be applied to the edges of the Community Centre building and tavern site where they front onto Batchelor Street and the accessway through to McMillan Court. The map demonstrates the recommended changes to the Newlands primary and secondary street frontages.

**Submission 26** requests that the Secondary Street Frontage classification be deleted from the Shell service station sites at Strathmore, Kilbirnie and Crofton Downs. The submission asserts that the justification for Secondary Street frontages is unclear and not adequately justified. Provision for service stations within Centres should be an important consideration of the Wellington City District Plan. Appropriate locations for service stations include corner sites at the edge of Centres. The submission asserts that future redevelopment of these sites could be unreasonably constrained because of the Secondary Street Frontage classification and for this reason it should be deleted from these sites.



Officers note that one of the key requirements of a service station is the ability of vehicles to freely drive to and from the site. The proposed secondary frontages would only place limitations on residential activities at ground floor level, require a minimum height and apply a floor to floor stud height. No restrictions are placed on site access. In this regard the secondary frontage requirements are not considered to be overly restrictive, and therefore it is recommended that these frontages remain in order to help achieve good design outcomes for areas.

However, concerning the Crofton Downs area, **Submission 108** also requests that the secondary frontage be removed. The submission contends that due to the physical nature of the site (i.e. the buildings are located down a steep embankment and are removed from the roadside), the secondary frontage is inappropriate. **Further**

**submission 2** supports this submission. Officers agree that the topography poses difficulty in public connectivity with the site, and that it is inappropriate to apply a secondary street frontage. Therefore it is recommended that this submission be accepted in this regard and the frontage map for Crofton Downs be amended as shown.

**Submission 13** requests that the Primary Frontage on the Coutts Street frontage to the Kilbirnie Woolworths site be amended to a Secondary Frontage (Map 45). The submission considers that an amendment will allow for the existing service access to the Woolworths store from Coutts Street to be retained and to provide flexibility in terms of layout options for any future redevelopment of the site. **Further submission 1** supports this submission.

Under DPC 73, the key additional requirements for primary frontages (when compared to secondary frontages) relate to:

- Vehicle access – whereby no new vehicle access is permitted as of right for primary frontages
- Verandahs and display windows – whereby verandahs are required for new development on primary frontages.

The proposed provision in DPC 73 therefore will continue to allow existing service access to the Woolworths store from Coutts Street. In addition, retaining a primary frontage for this section of Coutts Street is considered appropriate as it best reflects the current role and character of this part of Coutts street for main street uses and it recognises the past role of Coutts Street as the primary main street in Kilbirnie

(Coutts Street was the historic main street and connection to Strathmore prior to the Airport development).

In addition, Officers consider that the identified primary frontage best reflects the future preferred role and character suggested in the process to develop a town centre plan for Kilbirnie. The draft town centre plan for Kilbirnie (to be considered by the Strategy and Policy Committee of Council on May 6) suggests this section of Coutts Street should be enhanced as a natural extension of Bay Road as the main street for Kilbirnie.

**Submission 78** opposes the identification on Planning Map 48 (Johnsonville) of the primary and secondary street frontages on the former Hawea Street alignment between Johnsonville Road and Moorefield Road. Similarly, **submission 31** seeks that the Johnsonville primary and secondary street frontages map on planning map 48 be amended to delete the primary and secondary frontages on land not fronting a legal road or public space. **Further submission 13** supports this submission. Officers agree with these two submissions as it is not appropriate to apply identified primary and secondary street frontages on sites that do not front legal road or a public space. The frontage map for Johnsonville should be amended as shown.



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

The primary and secondary street frontages have been applied to keys sites within a Centre regardless of whether a building is currently built to the street edge, whether it is dominated by car parking or whether the site has different access points. In doing this, Officers have looked at the key street layout of a particular Centre and pinpointed where the street edge is clearly defined or where it could potentially be improved in the future. Whilst officers acknowledge that some sites have existing site entrance and exit points, these possibly may change in the future and it is at that stage that urban design consideration is important. In this regard, it is not recommended that the frontages are altered existing vehicular access points.

In terms of the frontage notation for the small section of street located the south of the Woolworths/ Warehouse site (near Disraeli Street), Officers do not support the suggested change from a primary frontage to a secondary frontage. These buildings currently contain an Asian grocery shop, a Dominos pizza shop and a design store which are slightly set back from the road edge. The buildings are still are in a reasonably visible location within Johnsonville and for this reason it is not recommended that this request is supported.

**Submission 103** opposes the identification of the McDonald's restaurant site at the corner of Johnsonville Road and Moorefield Road, Johnsonville, within both a Primary and Secondary Street Frontage. As such, the submission requests that the length of frontage identified as primary street frontage to the McDonald's restaurant site at the corner of Johnsonville Road and Moorefield Road, Johnsonville, on Planning Map 48 be the same as that shown on Planning Map 43 of the Operative District Plan and that the Secondary Street frontage notation on Planning Map 48 be deleted from the Moorefield Road frontage of the site. The submission asserts that the extension of the Primary Street frontage notation, and addition of a Secondary Road notation, imposes unnecessary restrictions on the site and on vehicle access, particularly given that the restaurant and drive through have been established for more than 15 years and the Company's expectation is that it will remain on the site for the foreseeable future.

This site is situated at a pivotal location in the Johnsonville Area. It is highly visible for drivers exiting the Johnsonville motorway off ramp and also acts as a key identifier that the one is entering the Johnsonville Town Centre. Given this key location and the fact that the Johnsonville Road elevation of this site is identified as a frontage on the Operative District Plan, it is not accepted that the proposed frontages should be removed.

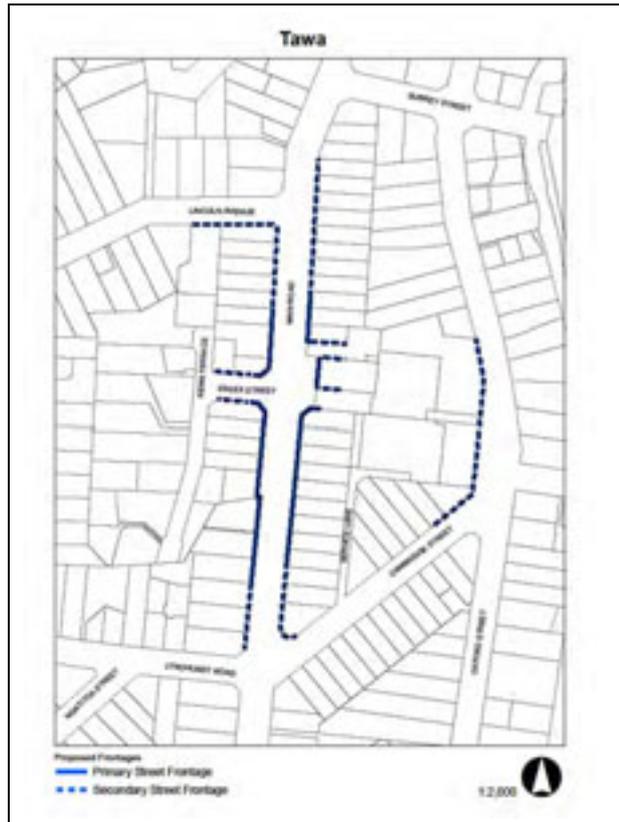
**Submission 103** also requests that the primary street frontage notation be deleted from 190 Riddiford Street, Newtown. The reasons cited in the submission include:

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

As discussed further in section 5.16.5 of this report, the location of the McDonalds site is near the key intersection of Riddiford and Constable Streets which can be considered as part of the core commercial area of Newtown. The site is identified as having a frontage where verandahs and display windows are required (Rules 7.1.2.4 and 7.1.2.6) and where vehicle access is restricted (Rule 7.1.1.7.6). Officers consider that there is no justification for removing the primary street frontage, particularly given the location of the site in the Newtown town centre.

Officers note that the street frontage of the supermarket on the opposite side of Riddiford Street has not identified as a Primary Street frontage. This frontage is identified on the Operative District Plan Planning Maps and should also be identified as part of Plan Change 73. This is a drafting error and Officers will seek to correct this in due course.

**Submission 31** requests that the Tawa Town Centre frontages map be included onto planning maps 43-49A. The Tawa Town Centres Frontage map was included in the draft planning documents that were consulted on from December 2008 to April 2009, however was inadvertently omitted from the frontage maps that formed part of the formal plan change documents. It is considered appropriate to accept this submission as it was clear from the draft Plan Change that Council's intention was to recognise the importance of the street edges of the Tawa Town Centre. The Tawa Town Centre frontage map is as shown:



### Recommendation

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

section of proposed Primary Frontage, south of the main vehicular access into the Woolworths/ Warehouse site.

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

#### **4.10.4 Bulk and location**

##### **4.10.4.1 Building mass**

###### Submissions

Specific issues raised in submissions include:

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

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

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

###### Discussion

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

**Submission 31** seeks the amendment of standard heading 7.6.2.2 and standard 7.6.2.2.1 relating to building mass. It is considered appropriate to accept this submission to help clarify the intent of the rules.

###### Recommendation

- **Reject** submission 9 insofar as it requests that building mass should be included in the calculation for site coverage.
- **Accept** submission 31 insofar as it requests that standard heading 7.6.2.2 and standard 7.6.2.2.1 relating to building mass be amended.

#### 4.10.4.2 Building heights – general

##### Submissions

Specific issues raised in submissions include:

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

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

##### Discussion

**Submission 64** seeks the amendment of the wording of Rule 7.3.7.1 to clarify that it is the effects generated by the *additional building height sought* that are to be assessed. **Further submission 13** supports this submission. It is considered appropriate to amend this rule and therefore **submission 64** should be accepted.

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

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

7.6.2.1.2 *“New buildings or structures or additions to the frontages of buildings and structures along any primary or secondary street*

*frontages in Centres, as identified on Maps 43 to 49AA, shall have a minimum height of 7m” (new wording underlined)*

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

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

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

Given the importance of primary and secondary street frontages, Officers do not agree that the standards relating to relating to minimum building heights along identified primary and secondary street frontages should not apply to certain activities, such as service stations. The specific design of any development proposal for a service station can be considered as part of a resource consent application.

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

The support of **submission 94** should be accepted.

#### Recommendation

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

#### **4.10.4.3 Building heights – Johnsonville**

##### Submissions

Specific issues raised in submissions include:

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

### Discussion

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

As part of the completion of the Johnsonville Town Centre Plan (adopted November 2008), height modelling was undertaken which investigated the potential implications of increasing height limits in the Johnsonville Town Centre. Any changes to the proposed height zones for Johnsonville (Appendix 1B of Chapter 7) would require further investigation to determine potential effects of dominance, shading etc. Officers believe the proposed height limits are appropriate.

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

The support of **submission 96** should be accepted.

### Recommendation

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

#### 4.10.4.4 Building heights – Miramar

##### Submissions

Specific issues raised in submissions include:

- Include new Permitted Building height in Standard 34.6.2.1 for the Burnham/Miramar Wharf Land area of 18m (**Submission 22**).
- Provide for a new rule that states that the maximum permitted building height for the Burnham/Miramar Wharf Land must not exceed 40m (**Submission 22**).
- Amend Rule 34.4.9.10 to exclude the Operational Port Area (Burnham/Miramar Wharf Land) (**Submission 22**).

##### Discussion

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

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

**Submission 22** also requests that a new rule be provided for as follows:

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

**34.3.9.1** height (standard 34.6.2.1)

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

surrounding building entries

34.3.9.2 ...

subject to compliance with the following conditions:

34.3.9.10 in all Business Areas, except for Grenada North and Ngauranga, the maximum building height assessed under standard 34.6.2.1.1 must not be exceeded by more than 50 percent.

34.3.9.11 in Grenada North and Ngauranga, the maximum building height assessed under standards 34.6.2.1.1 must not be exceeded by more than 33 percent.

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

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

**Submission 22** also request that Rule 34.4.9.10 (below) be amended to exclude the Operational Port Area (Burnham/Miramar Wharf Land).

34.4.9 Buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the street at any point are Discretionary Activities (Unrestricted).

**Further submission 12** opposes submission 22 in that it asserts that buildings 40 metres high in this area would penetrate the WIAL designated Obstacle Limitation Surface (Designation G2 – see District Plan Map 57). Such a penetration in close proximity to the threshold of Runway 16 would impact on airport operations and ultimately reduce the operating capacity of Wellington Airport. While the submission does not object to buildings in this area per se, care must be taken to ensure these critical operational surfaces are not jeopardised through inappropriate development.

Officers do not support the request for increased permitted building heights in the Burnham/Miramar Wharf Land area. This area is a very prominent site at the entrance to the Miramar Peninsula. Increased permitted buildings heights at the scale requested by the submission are likely to have significant visual impacts. Increased heights of 40 metres will penetrate the WIAL designated Obstacle Limitation Surface and therefore may impact on airport operations. In addition, the submission has not given sufficient justification for requesting exemption for buildings and structures, including pedestrian bridges, located above the street that exceed 25 percent of the width of the street. The future use of this area for operational port use in uncertain and redevelopment for other activities may be contemplated in the future. As such, there is insufficient justification for the requested height limits. For these reasons, Officers recommend rejecting this submission.

### Recommendation

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

#### **4.10.4.5 Building heights – Kilbirnie**

### Submissions

Specific issues raised in submissions include:

- Apply an 18m permitted height limit at the Woolworths Kilbirnie site, and flexibility for increases up to 24m as a Restricted Discretionary Activity (Standards 7.6.2.1 and 7.3.7.11) (**Submission 13**).
- Amend the permitted building heights in Standard 7.6.2.1.1 (Table 1) of 24m for the Kilbirnie Bus Barns site (**Submission 79**).
- Include in Appendix 1 of Chapter 7 a Masterplan for the Kilbirnie Bus Barns site, confirming a maximum permitted building height of 24m (**Submission 79**).

### Discussion

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

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

The Council is currently preparing a draft town centre plan for Kilbirnie – to be considered by the Strategy and Policy Committee of Council on May 6 2010. The draft town centre plan, should it be endorsed for consultation, recommends reviewing District Plan provisions (including building height) that apply to the Centre and bus barns site to enable mid-rise development and to increase development intensity of the town centre.

While an increase in scale, height and intensity may be appropriate for Kilbirnie, further work still needs to be done to better identify the specific District Plan response for dealing with building heights and which areas increased scale may be appropriate. To this effect:

- It is considered important to consider building heights for the centre as a whole, not for individual sites only.
- Increases in building height, if not managed appropriately, have potential to create considerable adverse effect. It is not considered appropriate to

amend building heights without considering whether changes might be necessary to other bulk and location provisions and urban design controls.

On this basis it is proposed to reject submissions requesting increases in height for individual sites at this time and commission further work to determine where and the extent to which heights should increase for the centre as a whole. Upon completion, it is anticipated that this further work will be able to be fed into the district planning process via a variation to DPC73.

#### Recommendation

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

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

##### Submissions

Specific issues raised in submissions include:

- Proposed Centres zones adjacent to residential areas should have lower height restrictions, preferably 8m, or if higher buildings, should be further than 3m from site boundaries. In addition, buildings should have a sunlight angle of 30 degrees on the southern side (**Submission 38**).
- Strengthen the zone interface policies and rules to ensure an appropriate transition between the Aro Valley Centre and the surrounding residential area (**Submission 93**).
- Requests adequate buffer zone requirements between Centres and Residential Areas particularly reduced wall heights, sunlight shading, lighting spill, signage limitations etc (**Submission 77**).
- 'Building recession planes' should be renamed 'building and sunlight recession planes' to better reflect the matters that planes are intended to manage (**Submission 9**).
- Amend wording of Rules 7.3.7.13 and 34.3.9.12 relating to building recession planes (**Submission 31**).
- Amend Standard 7.6.2.1.4 relating to building recession planes to take into account building orientation and sunlight planes (**Submission 108**).
- Amend Standards 7.6.2.4.1 and 34.6.2.4.1 to only apply to windows in walls of buildings above ground level (**Submission 103**).

##### Discussion

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

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

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

For these reasons, Officers recommend rejecting **submission 38**.

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

There are policies, rules and standards in place to help mitigate any potential adverse effects of development within the Aro Valley Centre and the surrounding residential area. There are no proposed changes to the bulk and location provisions relating to Aro Valley. The only potential change to Aro Valley is as a result of submissions on DPC73, where there has been a request to rezone the former service station site at 68-82 Aro Street. Officers are confident that the proposed provisions are adequate to provide sufficient protection to the amenity of adjoining residential areas. For this reason, Officers recommend that **submission 93** be rejected.

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

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

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

Officers also note that the buffer standard 7.6.2.1.4 also works in conjunction with other standards such as noise, privacy and bulk and location of buildings for both Centres and Residential Areas. Applying a suite of Centres standards together ensures that an appropriate balance is struck so that buildings and developments in

Centres do not cause a nuisance or detract from the amenity values in adjoining or nearby Residential Areas.

For these reasons, Officers recommend rejecting this submission.

**Submission 9** requests that ‘building recession planes’ should be renamed ‘building and sunlight recession planes’ to better reflect the matters that planes are intended to manage. While Officers can appreciate concerns that access to sunlight has been devalued, they do feel that the proposed wording is somewhat cumbersome. Building recession planes are intended to manage access to sunlight, and officers consider that this is sufficient to ensure that access to sunlight is always considered when assessing applications to breach the recession plane standards.

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

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

Officers agree with the submission as it will make the rules consistent with the Residential Areas chapter and make the provisions easier to understand.

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

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

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

Officers disagree with this submission, as already discussed, Council recognises that the interface between Centres and adjacent Residential Areas is particularly sensitive, and that the effects generated by activities and developments within Centres can impact adversely on residential properties and enjoyment of their amenity values. The 5 metre buffer between Centres and Residential Areas provides for a transition in the height of buildings between Centres and surrounding Residential Areas, and protects residents from overshadowing and other impacts buildings may cause. Given the importance of ensuring this interface is appropriately managed, Officers do not support the proposed amendment suggested.

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

such as restaurant dining areas. The submission suggests alternative wording of Standards 7.6.2.4.1 and 34.6.2.4.1 as follows:

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

The proposed amendment is accepted for the reasons stated in the submission.

#### Recommendation

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

#### **4.10.6 Design guides**

##### Submissions

Specific issues raised in submissions include:

- Supports the introduction of new design guides for Centres and Business Areas to help improve quality of new development (**submission 4**).
- Should contain mitigation measures to minimise the environmental impact of bulky buildings (**Submission 9**).
- Update Shelly Bay Design Guide prior to a masterplan being discussed with new site owners (**Submission 9**).
- Include an additional business area under the list on page 3 for “Burnham/Miramar Wharf Land” and apply consistently throughout the District Plan Review (**Submission 22**).

- Amend the Centres Design Guide by including a new Section 7 relating to service stations (**Submission 26**).
- That the Centres and Business Areas Design Guides be retained as notified (**Submission 83**).
- Amend the Centres and Business Design Guide by including a new Section 7 for the assessment of drive through restaurants (**Submission 103**).
- Oppose the content of the Centres and Business Areas Design Guides and they should be deleted, or alternatively amend the Design Guides as suggested by the submission (**Submission 108**).
- Delete Brooklyn from Volume 2 (**Submission 113**).

### *Discussion*

Poor urban design quality is evident in a number of our Centres and Business Areas. This has resulted from a lack of design controls, low quality buildings, poor signage, the inappropriate location of some recent developments, and insufficient focus on the street as a key public space. At present only multi-unit residential developments and the Thorndon and Newtown Centres are covered by urban design guidance, although Plan Change 52 previously introduced some urban design criteria for larger retail activities over 500m<sup>2</sup> (now withdrawn).

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

The District Plan currently contains three design guides that apply to Suburban Centres areas. These are:

- Newtown Suburban Centres Character Area Design Guide
- Shelly Bay Suburban Centres Character Area Design Guide
- Thorndon Character Area Design Guide

The structure of the current design guides have limitations. Having three separate design guides can at times prevent Council from applying the most relevant guidelines when assessing an application. In addition, there is significant repetition.

The introduction of the Centres and Business Design Guides has brought about improved ability for Council to assess new development in Centres and Business Areas of the City. The idea behind the new design guides is based on the well established and successful use of other design guides in the Plan. The Centres and Business Design Guides have been specifically developed with a commercial focus in mind, as well as acknowledging the effects that new development can create outside of the site.

The content and structure of the current Newtown and Thorndon Design Guides has been fully reviewed and they have been restructured into the Centres Design Guide to provide consistent design outcomes. The majority of the content retained within the main design guide, with smaller appendices for specific issues or areas. All key guidelines are contained in the main body, with a focus on key elements such as design coherence, edge treatment, relationship to context etc. rather than the actual activities located in an area. This will ensure that all relevant guidelines can be

considered in all locations. The new structure is consistent with the structure for the Central Area Design Guide and the Residential Area Design Guides.

The submissions have highlighted areas that some need further clarification and small wording changes are recommended throughout the guide to help with ease of use and application of the guide (other changes are also recommended to various Policies). One area of omission highlighted by the submissions is the guide's lack of specific reference to vehicle orientated uses. This has meant that the guideline numbers have had to be reordered.

### Submissions

For ease of reference, where the submission refers to a specific guideline number, this relates to the notified copy of the guide.

**Submission 4** supports the introduction of new design guides for Centres and Business Areas to help improve quality of new development. **Submission 83** requests that the Centres and Business Areas Design Guides area retained as notified. The support of **submissions 4 and 83** is noted and accepted.

**Submission 9** considers that cross references should be included within the Business Area Design Guide to include measures to minimise the environmental impact of bulky buildings. Guideline G2.3 of the Business Area Design Guide specifically considers building bulk, with guidelines G6.1 and G6.2 specifically concerned with landscape and streetscape context. The design guide is meant to be read as one document so that all relevant guidelines can be considered in relation to the project site. The document is short and easily read and it is not considered necessary to include cross referencing. In this regard **submission 9** is not supported.

**Submission 9** also considers that the Shelly Bay Design Guide should be updated prior to a masterplan being discussed with new site owners. Council is currently collating background information for the start of the Miramar Peninsular Framework project. This Framework, which is due to commence next year, will look at the entire Miramar Peninsula, including landscape and urban environments and explore opportunities for future growth and development. This work will consider the future of Shelly Bay and it is anticipated that the associated Design Guide will also be examined and updated. This process will be done in collaboration with the new site owners of the Shelly Bay land and the local communities to explore the opportunities for the area and Peninsular as a whole. Any plan changes that flow out of this process will be subject to public consultation in accordance with the RMA. Given the pending commencement of the Miramar Peninsular Framework project, it is not considered appropriate at this time to undertake a review of the Shelly Bay Design Guide. In this regard, it is recommended that this part of **Submission 9** be rejected.

**Submission 22** requests that reference to "Burnham/Miramar Wharf Land" be included under the list of Wellington's Business Areas on page 3 of the Business Area Design Guide (as well as in other relevant parts throughout the Suburban Centres Review). It is agreed that specific reference to the Burnham/Miramar Wharf land throughout the plan would provide accurate identification of this land for plan users and it is recommended that this part of **Submission 22** be accepted.

**Submission 26** has requested that the Centres Design Guide be amended to include a new section 7 specifically relating to service stations. **Submission 103** has similarly suggested that both the Centres and Business Design Guides be amended to include a new Section 7 for the assessment of drive through restaurants. Submission 103 is supported by **further submission 2**.

Plan Change 73 has placed particular emphasis on the importance of Wellington's Centres, especially development proposed on the identified primary and secondary

frontages (discussion on these frontages is under section 4.10.2 of this report). The Plan Change has introduced policies rules that require high standards of urban design for new buildings and structures. Officers maintain that the design of new buildings must acknowledge and respond to the character of adjoining sites. Under the Discretionary Activity process, design guides are to be used to assess most new building developments in Centres and Business Areas to ensure that any new building enhances the public realm.

However, it is acknowledged that the site layout and design (i.e. setbacks) of vehicle orientated uses such as service stations and drive through restaurants may need some particular consideration. It is agreed that recognition of vehicle orientated uses can be incorporated into the proposed plan change and amendments have been recommended to policies 6.2.3.3, 6.2.3.4 and 6.2.3.5 as discussed in section 4.10.1 of this report.

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

**Submission 113** asserts that Brooklyn should be deleted from the Volume 2, Centres Design Guide. This position is not supported. As discussed in the heritage section 4.13 of this report, an audit of all of the Suburban Centres in the city was undertaken to assess whether there were any areas, or neighbourhoods that warranted consideration as heritage areas. The study identified seven potential heritage areas, and although Brooklyn and Kelburn were not amongst this group, they were very strong contenders given their unique and distinctive characteristics.

The study found that Brooklyn and Kelburn have special character qualities that do warrant special design consideration and accordingly were identified in the appendices to the Centres Design Guide. In the first instance, it is the main part of the Centres Design Guide that guides new development. The appendices for Brooklyn and Kelburn are designed to complement this main part and contain no separate objectives or guidelines. They are there to alert plan users to the defining features and character of these Centres for when new development is proposed. The character of Brooklyn and Kelburn areas are of value to the City and it is maintained that they should have their own appendices in the Centres Design Guide.

**Submission 108** opposes the content of the Centres and Business Areas Design Guides and considers that they should be deleted. **Submission 108** considers that the Design Guides are fundamentally flawed and that they are not appropriate for inclusion within the District Plan. The submission considers that the guides are subjective and will not provide for consistent and reasonable guidance which a developer can be sure it can meet. Specifically, they consider that the Business Area Design Guide is a “watered down” version of the Centres Design Guide and it is inappropriate to treat businesses in these areas the same way as urban centres. Alternatively, **submission 108** suggests a series of amendments to the Design Guides. This submission is supported by **further submission 2**.

The Design Guides intention is “*to achieve high quality buildings, places and spaces*”, and thus is inherently qualitative. It is important to emphasise that Design Guides have been used comprehensively in the District Plan since 1994 (and to a

lesser extent before then). The use of Design Guides in the Plan is now well established as a mechanism to ensure the amenity values of the built environment are upheld and improved. The Act requires the Council to maintain and enhance amenity values. In the context of the suburban commercial and business environments, this is interpreted to mean that the public has the right to expect a certain level of comfort and amenity regardless of the activity or services that they are using/visiting. Certain expectations around levels of amenity do differ depending on the type of development, but the requirement to protect amenity values remains. Given Council's explicit obligation to maintain and enhance values that are important to the public environment, it is considered entirely appropriate to assess how a development will fit in with its suburban or business context through the use of Design Guides. It is maintained that if applicants engage the design process with a commitment to quality design, then an appropriate solution can be found. The complete deletion of the Design Guides from the Plan Change, as suggested by **submission 108** is not supported by Officers.

With reference to **submission 108** suggested amendments, it is not accepted that the Design Guides do not focus on recognised urban design principles. The submission suggests that the guide should be amended to include principles such as connectivity, legibility, variety, robustness, responsiveness, richness and safe environments. The principles mentioned by the submission are inherent to the Design Guides. In particular, variety, richness, context, character and creativity are all key design principles. Officers are satisfied that these elements have been built into the Design Guides to provide direction for applicants and officers to consider.

**Submission 108** raises concern about the lack of recognition of the importance of anchor stores such as supermarkets within urban centres. They consider that the Centres Design Guide especially focuses on fine-grained retailing which will discourage anchor stores from locating Centres, and such will detrimentally affect the social and economic wellbeing of local communities.

It is agreed that anchor stores such as supermarkets play a critical role in the wellbeing of urban centres. As large stores generate a high number of customers, such stores are instrumental in attracting people and thereby influencing the vibrancy, vitality and character of the smaller retailers in the urban environment. Because of this ability to attract so many people, it is important that they are located within Centres, rather than in inappropriately situated out-of centre locations. In addition, it is also imperative that these buildings and the spaces around them are well designed and attractive places for people to be in. A well designed anchor store that responds well to the public space can set the benchmark in influencing the design and appearance of other smaller retailers and this why design guidance is so important.

Officers note that the Centres network recognises the role of anchor stores, however acknowledge that further emphasise can be incorporated in other places of the Centres provisions. It recommended that additional wording be added to the introduction section of Chapter 6, as well as additional wording to the explanation of Policy 6.2.2.1 as follows:

## 6.1 Introduction

....

A potential threat to the viability and vitality of Centres is the increasing pressure for larger scale supermarkets, large scale retailing and other shopping destinations to locate in areas outside of the City's traditional town centres. This is of particular concern given that Wellington's Centres represent a considerable investment, not only because of the infrastructure within them, but also because of the commercial and community services and

facilities, and the street and landscape improvements they may contain. In the context of sustainable management these existing commercial centres are a valuable physical resource, and provide places that are highly accessible by multiple transport modes. For these reasons, Council seeks to ensure the viability and vitality of established Centres are not undermined by inappropriately located out-of-centre retail activities.

However, at the same time, Council also recognise that large anchor stores, such as supermarkets, are important in providing a framework that supports finer grain development in Centres. Anchor stores generate a high number of customers and are instrumental in attracting people and thereby influencing the vibrancy, vitality and character of the smaller retailers in the urban environment. Because of this ability to attract so many people, it is important that they are located within Centres, rather than in inappropriately situated out-of-centre locations. In addition, it is also imperative that these buildings and the spaces around them are well designed and attractive places for people to be in. A well designed anchor store that responds well to the public space can set the benchmark in influencing the design and appearance of other smaller retailers.

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

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

....

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

**Submission 108** has commented on a number of specific guidelines of the Centres Design Guide which it considers are subjective concepts or vague in their intent. The following comments are made in response to some of the points raised by the submission:

- *Page 4 – Reference to “small” supermarkets in District Centres.*  
It is appropriate to delete the wording to “small” as requested, as this reflects the current situation rather than future development options.
- *Page 6, Section 1 – Design Coherence. Delete Section 1.*  
This represents the fundamental principle that successful design requires an integrated rather than piecemeal approach, and has been successfully applied in other Design Guides of the District Plan.
- *Page 6, Section 2 – Relationship to Context. Amend to allow for a wider focus, not merely historical.*  
The Centres Design Guide does not limit consistency to "historical" context, but mentions the wider concept of "*defining and valued*"

*patterns*". Centre-specific appendices and the street type hierarchy both provide a degree of guidance about context analysis, but the range of potential proposals and contexts preclude a fully prescriptive approach. The pre-application process is one way in which applicants can engage with urban designers (Council's and/or the applicant's own) to apply the many elements suggested in G2.3 towards a context analysis. It is also noted that the guideline also mentions "*an appropriate degree of consistency*", signalling that the approach is not "black and white".

- *Page 9, Section 3 – Siting, Height, Bulk and Form. Remove reference to height being a "relative concept".*  
The Centres Design Guide reflects the fundamental design principle that human perception is not purely quantitative, and that composition, detailing and materials can alter the impression of scale and bulk. It is also flexible enough to respond to special cases: hence the use of words such as "generally" and the clear anticipation of exceptions in guidelines such as G3.1.
- *Page 9, Section 3 – Siting, Height, Bulk and Form G3.4. Amend text referring to consistency.*  
The guideline allows for considerable variety, while still ensuring that buildings contribute to the spatial definition of streets and public spaces.
- *Page 15, Section 4 – Edge Treatment. Amend text relating to frontages.*  
The guideline specifically recognises the context of proposed frontages via the hierarchy of primary, secondary and transitional streets. This gives applicants more certainty, since much of the contextual analysis has been done by Council on a street-by-street basis, and allows large-scale uses and services in some locations while protecting the fine grain of the most important streets.
- *Page 17, Section 5 – façade Composition and Building Tops. Delete Section*  
This section provides an appropriate level of design advice, especially the practical guidance in modulating the scale of large roofs under G5.10.
- *Page 20, Section 6 – Materials and Detail. Reduce heritage focus and increase practical guidance. Provide for colour as an architectural detail.*  
Heritage buildings and their associated provisions are clearly identified in the District Plan, so applicants should already be aware of the importance of this aspect. Council's Urban Design & Heritage team is happy to provide advice at the pre-application stage, but for major proposals involving heritage buildings, applicants would benefit from the services of a conservation architect. Colour specifications and material boards may indeed be valuable in some situations, but it is not considered necessary to require them for all applications.
- *Appendices – Provide boundary maps for each area*  
The areas identified in the appendices relate to those which are zoned Centres and it is not considered necessary to delineate these areas further.

- *Appendices – Amend to provide a balanced appraisal of the existing character*  
The appendices assess not just the existing character, but point to emerging aspects (such as maturing street trees) that provide positive precedents for the future and officers are satisfied with their content.

In addition, the Submission has commented on a number of specific guidelines of the Business Design Guide which it considers are fundamentally flawed and are not appropriate for inclusion in the District Plan. The following comments are made in response to some of the points raised by the submission:

- *General comment – unrealistic aspirations and expectations*  
Aspects of the Business Area Design Guide such as consistency/contrast, open space and parking are clearly different to the Centres Design Guide, thus recognising the different role and character of Business Areas. The wording is flexible enough to allow for the difference between Business 1 Areas, where the mixture of uses and adjoining contexts demand a reasonable level of pedestrian and visual amenity, and Business 2 Areas, which tend to be more vehicle-focused.
- *Page 4, Section 1 – Integrated Design. Delete Section 1.*  
This represents the fundamental principle that successful design requires an integrated rather than piecemeal approach, and has been successfully applied in other Design Guides of the District Plan.
- *Page 4, Section 2 – Siting Height, Bulk and Form. Delete Section 2.*  
The guidelines both explicitly and implicitly allow for variations in the level of design scrutiny and guidance, recognising the varying uses and contexts of Business Areas.
- *Page 6, Section 3 – Street Edge Treatment. Delete Section 3.*  
The guidelines allow for the varying uses and contexts of different Business Areas, and recognise that in many cases, even vehicle-focused areas need to provide adequate pedestrian amenity.
- *Page 8, Section 4 – Façade and Building Tops. Delete Section 4.*  
Even large floor plate uses can be visually enlivened, given a considered design approach. G4.1 explicitly only applies to prominent buildings, so would not apply to those Business 2 Areas that are not very visible from pedestrian-oriented places. Business 1 Areas must cater for a range of uses and often have a finer grain, so this guideline is important.
- *Page 9, Section 5 – Materials and Detail. Delete Section 5.*  
Business 1 Areas will include pedestrian-oriented uses such as residential, recreational, light commercial and some retail activities, so visual interest is vital in these areas. O5.1 emphasises that the qualities of a building must be appropriate to its type and location, thus allowing for flexibility in less critical areas.
- *Page 10, Section 6 – Open Space, Car Parking and Landscape. Delete Section 6.*  
This section specifically recognises that vehicle movements and parking will be of greater importance. G6.4 states that "*the appropriate location of parking depends on context*", allowing for street-front parking in those areas (mostly Business 2 Areas) where it is appropriate, while

ensuring that vehicle use does not "*compromise the quality of the street edge*" when that street edge "*has moderate to high pedestrian use*".

Many of the points raised by **Submission 108** involve a desire for more specific guidance and quantitative standards rather than qualitative objectives and guidelines. While design guides do not provide quantitative certainty, applicants are encouraged to work with Council at the early stages of a development. A collaborative design-based approach, rather than conforming to quantitative standards, provides greater opportunities to find a solution that works for both the applicant and the public realm and achieve quality urban design. By engaging with council advisors from the early site-planning stages, applicants can ensure a smooth process once a Resource Consent is submitted.

On a final note, the design guide clearly states in its introduction section that "sometimes a design objectives may be best achieved by means not anticipated in these guidelines. In this situation, it is justifiable to depart from a guideline if it can be demonstrated that the alternative design solution better satisfies the associated design objective". Officers recognise that good design is site and programme specific, and not all of the generic guidelines in the Centres Design Guide will necessarily apply to every site. The important thing to remember is that the Design Guides are guidance only and it is maintained that there is flexibility in their use to depart from the principles of the Design Guide if necessary.

#### Recommendation

- **Accept** submission 4 insofar as it supports the introduction of new design guides for Centres and Business Areas to help improve quality of new development.
- **Accept** submission 9 insofar as it requests that the Design Guides should contain mitigation measures to minimise the environmental impact of bulky buildings.
- **Reject** submission 9 insofar as it requests that the Shelly Bay Design Guide should be updated prior to a masterplan being discussed with new site owners.
- **Accept** submission 22 insofar as it requests that an additional business area be included under the list on page 3 for "Burnham/Miramar Wharf Land" and apply consistently throughout the District Plan Review.
- **Reject** submission 26 insofar as it requests that the Centres Design Guides be amended to include an appendix for the assessment of service stations, but allow for additional explanation to be added to the guide to help better acknowledge vehicle orientated activities.
- **Accept** submission 83 insofar as it requests that the Centres and Business Areas Design Guides be retained as notified.
- **Reject** submission 103 insofar as it requests that the Centres and Business Areas Design Guides be amended by including a separate for the assessment of drive through restaurants, but allow for additional explanation to be added to the guides to help better acknowledge vehicle orientated activities.
- **Accept in part** submission 108 insofar as it requests the deletion of the word "small" from supermarkets in District Centres.

- **Reject** submission 108 insofar as it opposes the content of the Centres and Business Areas Design Guides and requests that they should be deleted.
- **Reject** submission 108 insofar as it requests that the Centres and Business Areas Design Guides be amended as suggested by the submission.
- **Reject** submission 113 insofar as it requests deletion of Brooklyn from Volume 2.

#### 4.11 Wind

##### Submissions

Specific issues raised in submissions include:

- Under 3.2.2.14B, delete the last paragraph, relating to information requirements and pedestrian wind conditions, which reads:
 

*The report must conclude that the development is highly likely to maintain and improve pedestrian wind conditions before it will be accepted under Rule 7.3.7 (Submission 64).*
- Mitigation measures should include the planting of vegetation (**Submission 9**).

##### Discussion

**Submission 64** considers it inappropriate for the Plan to contain provisions which seek to impose more onerous decision making criteria than that contained under Section 104 of the RMA. The submission also considers it inappropriate for such provisions to be included in the “Information to be Submitted with an Application for Resource Consent” part of the Plan. **Further submission 13** supports this submission.

Section 7(c) Other Matters of the Resource Management Act states that:

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

...

*(c) the maintenance and enhancement of amenity values*

...”

It is considered that the current wording of Section 3.2.2.14B is appropriate as it clearly reflects the intent of section 7(c) of the RMA and is needed to ensure that there is a trigger to increase the quality of information about the proposal should the wind assessment report find that the project is likely to cause adverse effects on the pedestrian wind environment. However, in recognition of the submission’s concerns generally about the provision, it is recommended that the focus of the provision change so that the trigger to a full wind tunnel test only happens where the wind assessment report concludes there will likely be a net detriment in the wind environment as a result of the proposal compared with the existing pedestrian wind environment. The proposed wording is:

*The report must conclude that the overall effect of the building development will not reduce the existing pedestrian wind conditions before it will be accepted under Rule 7.3.7.*

It is also considered appropriate to include a trigger in the section to enable Officers to clearly ascertain whether a wind tunnel test report will also be required under proposed section 13.2.2.14C of the Plan. Deleting the last paragraph of section 3.2.2.14B would remove this trigger and would therefore remove any certainty to the Council, the public, and developers on when a wind tunnel test report may be required in addition to a wind assessment report.

**Submission 9** requests that wind mitigation measures should include the planting of vegetation. There are a wide variety of wind mitigation measures available and the planting of vegetation is just one of these. It is not always appropriate to plant vegetation however, and therefore it is not recommended to specify vegetation planting as a mitigation measure. It is generally better practice to encourage the use of wind mitigation measures within the development site, during the early stages of building design to help to reduce the wind effects on pedestrians.

#### Recommendation

- **Accept in part** submission 64 insofar as it requests the deletion of the last paragraph under 3.2.2.14B, relating to information requirements and pedestrian wind conditions.
- **Reject** submission 9 insofar as it requests that mitigation measures for wind should include the planting of vegetation.

## **4.12 Signs**

### **4.12.1 Signs – General**

#### Submissions

Specific issues raised in submissions include:

- Supports provisions but should specifically include provision of locational and directional signage (**Submission 9**).
- That Council acknowledge and allow appropriate on-street signage to advertise the existence of a Neighbourhood Centre such as Marsden Village (**Submission 58**).
- Restrict any form of advertising signs on buildings and limit signage to only businesses contained within the building (**Submission 118**).
- In first bullet point of Standard 34.6.3.1.5, amend the reference relating to the number of days for temporary signage (**Submission 31**).
- Amend the explanation to Policies 6.2.6.2 and 33.2.7.2 by adding in a third bullet point as follows:
  - *Ensure that the safe and efficient operation of the road network is not reduced* (**Submission 117**).
- Amend the explanation to Policies 6.2.6.4 and 33.2.7.4 to include a reference that ensures signs also contribute positively towards visual amenity of the state highway network (**Submission 117**).

- Amend Sign Standards 7.6.3.1 and 34.6.3.1 to include a new clause that provides for free standing signs or for signs attached to structures (**Submission 117**).
- Amend Sign Standards 7.6.3.1.2, 7.6.3.1.4, 34.6.3.1.2 and 34.6.3.1.4 to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters (**Submission 117**).
- Add additional criteria to the bullet-pointed explanation under Policies 6.2.6.3 and 33.2.7.3 to allow for consideration of signs for directional purposes that do not comply with the District Plan standards (**Submission 103**).
- Amend Sign Standard 34.6.3.1.4 by adding provisions for freestanding directional signs in Business Areas (**Submission 103**).
- Amend Sign Standards 7.6.3.1.2, 7.6.3.1.4 and 34.6.3.1.4 to retain maximum signage areas in Operative District Plan (**Submission 108**).
- In Sign Standards 7.6.3.1.4 and 7.6.3.1.5, specify that for service stations free-standing signs in all Centres may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m and make clear that the one sign permitted on any frontage may be a double-sided sign (**submission 26**).
- In Sign Standard 34.6.3.1.4, specify that for service stations the maximum area of free-standing signs is 15m<sup>2</sup> and the maximum height is 8m irrespective of whether the site adjoins or faces a residential area; and make clear in the wording of this standard that the limit of one free-standing sign per site frontage permits the sign to be double-sided (**submission 26**).

### Discussion

**Submission 9** supports the signage provisions but considers that they should specifically include provision of locational (i.e. where you are) and directional signage (i.e. your destination). This is accepted.

**Submission 58** requests that Council acknowledge and allow appropriate on-street signage to advertise the existence of a Neighbourhood Centre such as Marsden Village.

There is no restriction on locational and directional signage being erected so long as the signage contributes positively to the visual amenity of the building neighbourhood or streetscape and that they meet the signage standards. Although the proposed plan change cannot impose the erection of locational and directional signage, Officers consider that there is enough scope within the provisions to allow for it if necessary.

**Submission 118** requests that advertising is restricted on buildings and limited to signage relating only to the business contained within the building.

A new standard has been introduced that controls the erection of signage by an independent party (e.g. third party signage) on property that is not selling the product being advertised (Standard 7.6.3.1.3). Officers agree with this submission and recommend that it should be accepted.

**Submission 31** requests that the first bullet point of Business Area Sign Standard 34.6.3.1.5 relating to temporary signage be amended to 28 consecutive days rather than 34 as proposed in the plan change. This aligns with the temporary activity standard in the Centres provision and should be accepted.

**Submission 117** seeks an amendment to Policies 6.2.6.2 and 33.2.7.2 by amending the third bullet point as follows:

- *Ensure that the safe and efficient operation of the road network is not reduced*

These two policies read as follows:

**Manage the scale, intensity and placement of signs to:**

- **maintain and enhance the visual amenity of the host building or site; and**
- **reduce visual clutter and viewer confusion; and**
- **ensure public safety.**

The intent of the third bullet point is to maintain of public safety and ensure that signs that are overly distracting to driver (e.g. illuminated, animated and flashing signs) do not conflict with traffic safety. **Submission 117** seeks to shift this emphasises from public safety in general to a more road network operation focus. Officers do not agree with the suggested amendment and note that objective and policies under the Access and Transportation section of the plan change consider the efficient operation of the road network.

**Submission 117** seeks an amendment to the explanation of Policies 6.2.6.4 and 34.6.3.1 to include a reference to ensure signs also contribute positively towards visual amenity of the state highway network. This submission is opposed by **further submission 11**.

Policies 6.2.6.4 and 33.2.7.4 read:

**Ensure that signs contribute positively to the visual amenity of the building neighbourhood and cityscape.**

The explanation discusses the use of multiple signage on a site, the visual impact of signs above ground level and third party signage. Officers support this part of **submission 117** and recommend that following amendments to Policies 6.2.6.4 and 33.2.7.4:

Policy 6.2.6.4 explanation:

...

*In Centres, signs above ground floor are generally more visible and may adversely affect the visual quality of buildings and the surrounding neighbourhood. Above ground floor level, signs can have a wider impact, particularly on surrounding Residential Areas, so their size has been limited. At the wider spatial scale signs are a useful element for way-finding in the city. However, some signs can detract from the way people understand a building's function, ~~or~~ the types of activities associated with a building's use or the visual amenity of the road and state highway network.*

*This is particularly relevant when assessing third party (billboard) signage. Third party signage is often larger and more visually dominant than signage associated with a specific activity. Third party signage has therefore been restricted to ensure that it does not detract from the streetscape values, traffic safety and other special characteristics of Centres.*

*In addition to assessment matters identified in the above policies, for applications not complying with sign standards in the District Plan, consideration will be given to whether the sign display detracts from the cityscape or building neighbourhood above ground floor level.*

...

#### Policy 33.2.7.4 explanation:

*Particularly in Business 1 Areas, signs above ground floor are generally more visible and may adversely affect the visual quality of buildings and the surrounding neighbourhood. Above ground floor level, signs can have a wider impact, particularly on surrounding Residential Areas, so their size has been limited. At the wider spatial scale signs are a useful element for way-finding in the city. However, some signs can detract from the way people understand a building's function, ~~or~~ the types of activities associated with a building's use or the visual amenity of the road and state highway network.*

*The signage provisions provide significant flexibility to respond to the varied nature of activities in Business Areas and their differing signage requirements and as a result do not limit the number of signs permitted on a site. However, in providing this flexibility, Council wishes to ensure that this flexibility is not abused. Council does not accept that making provision for multiple signs should be used as an argument to enable larger, more intrusive signage. Council will not apply a permitted baseline assessment (i.e. a comparison of the proposed sign against a hypothetical signage scenario that complies with the signage standards outlined in the Plan).*

*This is particularly relevant when assessing third party (billboard) signage. Third party signage is often larger and more visually dominant than signage associated with a specific activity. Third party signage has therefore been restricted to ensure that it does not detract from the streetscape values, traffic safety and other special characteristics of Business Areas.*

...

**Submission 117** also seeks an amendment to Activity Standard 7.6.3.1 and 34.6.3.1 to include a new clause that provides for free standing signs or for signs attached to structures.

Standards 7.6.3.1.4, 7.6.3.1.5 and 34.6.3.1.4 provide for free-standing signage or signs located on a structure and Officers do not recommend any changes in this regard.

**Submission 117** seeks an amendment to Centres Sign Standards 7.6.3.1.2, 7.6.3.1.4 and Business Area Sign Standards 34.6.3.1.2 and 34.6.3.1.4 to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters. This submission is opposed by **further submission 2**.

Officers are generally comfortable with this amendment, but question whether it should only be applied to areas of the state highway where the speed limit is greater than 50km, and therefore drivers a less able to cope with distractions created by signs. This would be consistent with the approach used elsewhere in the plan and therefore the following amendments are recommended:

Add an 8<sup>th</sup> bullet point to Centres Sign Standard 7.6.3.1.2

- that faces a state highway where the speed limit is greater than 50km must not display more than eight words or 40 characters.

Add a 4th bullet point to Centres Sign Standard 7.6.3.1.4

- that faces a state highway where the speed limit is greater than 50km must not display more than eight words or 40 characters.

Add an 8th bullet point to Business Area Sign Standard 34.6.3.1.2

- that faces a state highway where the speed limit is greater than 50km must not display more than eight words or 40 characters.

Add a 4th bullet point to Business Area Sign Standard 34.6.3.1.4

- that faces a state highway where the speed limit is greater than 50km must not display more than eight words or 40 characters.

**Submission 103** seeks the addition of new criteria to the assess signs that do not comply with the District Plan standards that are bullet-pointed in the explanation under Policies 6.2.6.3 and 33.2.7.3

These policies read as follows:

Ensure signs in Centres/Business Areas do not adversely affect the architectural integrity of the building on which the sign is located.

The explanation to the policies outlines what Council will consider when a sign does not meet the signage standards. The submission considers that the explanation points do not acknowledge that signage can be needed for traffic directional purposes and that freestanding signs can facilitate site identification and access to a vehicle orientated activity. This submission is supported by **further submission 2**.

Officers agree in part with this submission and consider that an additional explanation point could be added to acknowledge site locations and directional signs. However, they do not agree that this should be specifically linked to vehicle orientated activities as suggested by the submission.

In this regard the following amendment is recommended to the explanations of Policies 6.2.6.3 and 33.2.7.3 as follows:

...

*When assessing sign proposals that do not comply with the District Plan standards Council will consider:*

- *whether the sign is in scale and compatible with the visual amenity of the area in which it is situated;*
- *whether an additional sign will result in visual clutter;*
- *whether the size, number, placement, illumination or movement of the sign/s or sign display will compromise traffic or pedestrian safety;*
- *whether the sign detracts from the architectural integrity of the building on which the sign is located;*
- *whether in respect of freestanding signs they form part of a landscape plan for an area or are designed to screen unsightly sites, activities or buildings;*
- *whether signs are of a scale appropriate to the position of the site in relation to the road hierarchy;*
- *whether the sign is obtrusively visible from any Residential Area or public space;*
- *whether the sign is appropriate for site identification and traffic directional purposes.*

In addition, **submission 103** seeks an amendment to Standard 34.6.3.1.4 by adding specific provision for freestanding directional signs in Business Areas. The Standard allows for free standing signs of 8m in height and 8m<sup>2</sup> in area to be erected. This is reasonably flexible and does not differentiate between different types or purposes of signage. In this regard it is not considered necessary to specifically note freestanding directional signage in Standard 34.6.3.1.4.

**Submission 108** raises concerns with the proposed maximum sign area of 5m<sup>2</sup> for signs on buildings or freestanding structures in Centres. **Further submission 2** supports this submission. In addition, the submission raises concerns about the maximum sign area of 8m<sup>2</sup> for freestanding structures in Business Areas. The submission considers that the site area proposed is not reflective of commercial realities or the significance of anchor stores as arrival destinations. The submission considers that maximum sign area should be 10m<sup>2</sup> as set out in the Operative District Plan. They therefore seek an amendment to the Centres Sign Standards 7.6.3.1.2

and 7.6.3.1.4 and Business Sign Standard 34.6.3.1.4 to retain maximum signage areas in Operative District Plan. This submission is supported by **further submission 2**.

Of a similar theme, **submission 26** seeks that Centres Standards 7.6.3.1.4 and 7.6.3.1.5 be amended to specify that service stations free-standing signs may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m. They also submit that Business Area Standard 34.6.3.1.4 should be amended to specify that service stations have maximum area of free-standing signs of 15m<sup>2</sup> and the maximum height is 8m irrespective of whether the site adjoins or faces a residential area. In both Centres and Business areas, **submission 26** contests that the standards would need to clarify that that the one sign permitted on any frontage may be a double-sided sign.

Officers do not support these requested amendments. Monitoring undertaken for the Suburban Centre Review indicated that in some cases, signage is detracting from the surrounding environment, especially in Centres. The District Plan recognises that signs of all types are an established part of the environment in Centres and Business Areas but at the same time, it is considered important to control the impact of signs and advertisements. If there is no control over the size, design and siting of signs, they may create adverse effects on the amenity, character and appearance of buildings or neighbourhoods. Officers consider that better signage outcomes could be achieved and partly attribute this to the size and scale of signage. It is for this reason that the sign area has been reduced from 10m<sup>2</sup> to 5m<sup>2</sup> in Centres and 8m<sup>2</sup> for freestanding signs in Business Areas (signs on buildings remain 10m<sup>2</sup>). Officers do not recommend that the sign area is increased.

#### Recommendation

- **Accept** submission 9 insofar as it supports the signage provisions and requests that they provide scope for the erection of locational and directional signage.
- **Accept** submission 58 insofar as it requests that the signage provisions provide scope for the erection of signs advertising a Centre.
- **Accept** submission 118 insofar as it requests that the signage provisions restrict third party signage
- **Accept** submission 31 insofar that it seeks an amendment to the first bullet point of Standard 34.6.3.1.5 relating to temporary signage.
- **Reject** submission 117 insofar as it requests an amendment to the third bullet point of Policies 6.2.6.2 and 33.2.7.2 to focus on the efficient operation of the road network.
- **Accept** submission 117 insofar as it requests an amendment to the explanation to Policies 6.2.6.4 and 33.2.7.4 to include a reference that ensures signs also contribute positively towards visual amenity of the state highway network.
- **Reject** submission 117 insofar as it requests that Sign Standards 7.6.3.1 and 34.6.3.1 be amended to include a new clause that provides for free standing signs or for signs attached to structures
- **Accept** Submission 117 insofar that it requests that Sign Standards 7.6.3.1.2, 7.6.3.1.4, 34.6.3.1.2 and 34.6.3.1.4 be amended to include a bullet point stating that signs that face the State highway shall display a maximum of eight words or 40 characters.

- **Accept** in part submission 103 insofar as it requests and additional explanation point acknowledge site locations and directional signs under Policies 6.2.6.3 and 33.2.7.3
- **Reject** submission 103 insofar that it requests an amendment to Standard 34.6.3.1.4 to add specific provisions for freestanding directional signs in Business Areas (Submission 103)
- **Reject** submission 108 insofar that it seeks an amendment to Standards 7.6.3.1.2, 7.6.3.1.4 and 34.6.3.1.4 to retain maximum signage areas as 10m<sup>2</sup> as currently in the Operative District Plan
- **Reject** submission 26 insofar that they request that Centres Sign Standards 7.6.3.1.4 and 7.6.3.1.5 be amended so that for service stations free-standing signs may have a maximum area of 15m<sup>2</sup> and a maximum height of 7.5m.
- **Reject** submission 26 insofar that they request that Business Area Sign Standards 34.6.3.1.4 be amended to specify that for service stations the maximum area of free-standing signs is 15m<sup>2</sup> and the maximum height is 8m irrespective of whether the site adjoins or faces a residential area.

#### **4.12.2 Definitions**

##### Submissions

Specific issues raised in submissions include:

- The addition of a new definition of “mural” and amendments to the definition of a “sign” are retained as notified (**Submission 83**)
- Delete the term “hoarding” from the definition of “sign”. In the alternative, its meaning should be further defined (**Submission 108**)
- Supports following definitions: “official sign”; “sign”; and “third party advertising” (**submission 117**)

##### Discussion

**Submission 83** supports the addition of a new definition of “mural” and amendments to the definition of a “sign”. The support of **submission 83** is noted and should be accepted.

**Submission 108** requests that the term “hoarding” is deleted from the definition of “sign” as they feel it lack clarity in instances where signs are attached to buildings. The submission has used the example of where an architectural feature such as a panel, is painted the same colour as the building it should not be counted as a sign.

Officers agree that the use of corporate colours on a building should not be considered as signage, but do not consider that the term “hoarding” would cause such confusion. The definition the term “hoarding” is interpreted to mean the same as “billboard” which is a large board used for displaying advertising posters. Officers do not consider it necessary to remove “hoarding” from the definition and do not agree that it should be further defined.

**Submission 117** supports the definitions of “official sign”; “sign”; and “third party advertising”. The support of **submission 117** is noted and should be accepted.

### Recommendation

- **Accept** submission 83 insofar as the addition of a new definition of “mural” and amendments to the definition of a “sign” are retained as notified.
- **Reject** submission 108 insofar as it requests deletion of the term “hoarding” from the definition of “sign” or alternatively provide for a further definition.
- **Accept** submission 117 insofar as it supports the following definitions: “official sign”; “sign”; and “third party advertising”.

## **4.13 Heritage provisions**

### Submissions

Specific issues raised in submissions include:

- Council undertakes a plan change urgently to recognise Thorndon, Newtown, Berhampore, Kelburn, Brooklyn, Hataitai, Island Bay and Aro Valley as having heritage values worthy of protection by way of new character areas and/or design guides being generated to manage development in those areas (**Submission 83**).
- Where there is a distinctive concentration of heritage buildings in Centres, Council should seek to create a Heritage Area to recognise and protect the special contribution such buildings and the spaces between them make to the City’s suburban fabric (**Submission 83**).
- The inclusion of the Aro Valley Suburban Centres Heritage Area, or the extension of the pre-1930s demolition rule to cover the Centres area as well as the Residential area of Aro Valley, until such time that a Heritage Area is introduced (**Submission 93**).
- Delete first bullet point of Standard 7.6.2.5.2 and amend Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages (**Submission 31**).
- The heritage provisions should be extended to include structures, as well as buildings, objects, areas, individual and stands of trees and vegetation whether or not they are listed on the District Plan. Any demolished heritages buildings/structures should be memorialised with a visible plaque and any felled heritage trees should be replaced with a large tree of the same species (**Submission 9**).

### Discussion – recognition of Centres heritage areas

**Submission 83** advocates for the urgent need to recognise of a number of prominent Centres as heritage areas in the District Plan. **Submission 93** specially seeks heritage recognition of Aro Valley.

It is recognised that over the past two decades Council’s heritage efforts have focused on the Central Area as this area was perceived as being subject to the highest pressure to redevelop buildings and properties.

Even though they have not been subject to the same development pressures as the Central Area, the city’s suburban shopping centres are noticeably under-represented in the city’s heritage listings. Aside from the Island Bay Village Heritage Area, at

present there are only 16 listed heritage buildings located within the City's centres zone.

Recognising the limited protection currently afforded by the plan, Council commissioned a heritage study of the city's suburban centres as part of the Suburban Centre Review. The aim of this work was to identify if any areas contained significant clusters of heritage buildings (including sites or objects).

The Suburban Centre heritage study followed the same approach as that used for the Central Area review (as part of plan change 48). An audit of all of the Suburban Centres in the city was undertaken to assess whether there were any areas, or neighbourhoods that warranted consideration as heritage areas. Following this detailed assessments were undertaken of those areas that contained concentrations of historically significant buildings. The study identified seven potential heritage areas:

- Aro Valley
- Berhampore (Rintoul Street)
- Hataitai
- Island Bay Terminus (Shorland Park Shops)
- John Street Intersection (Newtown)
- Newtown
- Thorndon (Centre)

Notably, inconsistencies in the building stock of Brooklyn and Kelburn meant that these Centres were not identified as potential heritage areas. However, these areas were found to have special character qualities that do warrant special design consideration and accordingly were identified in the appendices to the Centres Design Guide.

The potential heritage areas were released for public consultation as part of the draft Suburban Centre Review in November 2008. Council received 77 responses directly relating to heritage matters. Of those, approximately 51% of respondents supported the potential heritage areas, while approximately 40% of respondents did not support the proposals.

Based on this feedback it was agreed that the proposed heritage areas needed further consideration and targeted consultation with property owners. To help work through the concerns raised by property owners, the proposed heritage areas were separated from the Suburban Centres Review. This allowed further consideration of the individual areas and consideration of whether heritage areas were the best way to manage the identified groups of buildings.

Since that time, Officers have met with many of the opposing suburban centre building owners to gain a greater insight into their apprehension and to help ameliorate those concerns.

The outcomes of this targeted consultation were reported back to the Council's Strategy and Policy Committee on 11 March 2010. With the exception of Island Bay Terminus, it was agreed by the Committee that Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) had sufficient heritage values to warrant heritage area status and therefore should proceed as proposed plan change.

The Centres Heritage Areas plan change is to be presented to the Strategy and Policy Committee on the 13 May 2010. It is anticipated that this plan change will be notified in the weeks following.

In this regard, it is considered that submissions of **submission 83 (in part) and 93** have been addressed.

### Discussion – Other

**Submission 31** requests that the first bullet point of Standard 7.6.2.5.2 be deleted and that and Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages be amended as follows:

*7.6.2.5.2 For frontages not identified on District Plan Maps 43-49A, verandahs may be constructed on any building frontage facing a public space within Centres provided that:*

- ~~*the building is not a heritage building or listed in Chapter 21,*~~  
~~*or*~~
- *the adjoining public space extends 12 metres or more perpendicular from the building frontage.*

*7.6.2.6.1 Display windows must be constructed at ground floor level along all primary frontages identified on the District Plan Maps 43 to 49A, ~~except any heritage building or area listed in Chapter 21.~~*

The removal of the first bullet point of Standard 7.6.2.5.2 and amendment to Standard 7.6.2.6.1 avoids duplication and confusion for plan users, as Chapter 21 is the primary part of the plan that deals with listed heritage items. In this regard **submission 31** is supported.

**Submission 83** requests that Council should create heritage areas that recognise and protect the special contribution such buildings, and the spaces between them make to the City's suburban fabric. **Submission 9** requests that structures, as well as buildings, objects, areas, individual and stands of trees and vegetation should all be recognised for their heritage value whether or not they are listed on the District Plan. **Submission 9** suggests that demolished heritages buildings/structures should be memorialised with a visible plaque and any felled heritage trees should be replaced with a large tree of the same species.

When considering the construction of any new building or any modifications to an existing building, the heritage rules take into account the entire site on which a building is located within a heritage area. These provisions were introduced as part of Plan Change 43 (Heritage Provisions) to manage the effects of new (non-heritage) development on the site of a listed building, object or areas. It was intended to ensure that development adjacent to, or on the same site as existing heritage buildings, areas or objects did not have an inappropriate impact on that heritage.

In addition, the introduction section of Plan Change 43 Chapter 20 specifically discusses the importance of surroundings and recognises that the settings of listed items are often an essential part of their character. This is further enhanced by policies 20.2.1.5 and 20.2.1.6 which seek to:

*20.2.1.5 Identify heritage areas to cover groups of buildings, structures, spaces and other features, which collectively have significant historic heritage.*

*20.2.1.6 Protect buildings, structures, spaces and other features integral to the significance of a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.*

These policies help guide the heritage rules.

Specifically regarding the protection of non-listed structures raised by **submission 9**, it is noted that the chapter 21B heritage area rules explicitly states that “*non-listed buildings and structures within a heritage area are subject to the rules in this Chapter except that identified non-heritage buildings or structures may be demolished or relocated*”.

Given the all encompassing definition of the word “site” and the direct reference to setting and relevance of non-listed heritage items in heritage area, it is considered that there is sufficient scope to consider important gaps or spaces in heritage areas. In this regard **submissions 83 and 9** have been addressed.

Turning to the final point regarding **submission 9**'s suggestion that demolished heritages buildings/structures should be memorialised with plaque and any felled heritage trees should be replaced with a large tree of the same species. Whilst it is acknowledged that this is a good idea, blanket requirements may not always be appropriate in every case. Given that the onus would be on property owners to erect the plaque/educational board, Council would have little ability to ensure a consistent design and appearance. From a streetscape and urban design perspective, plaques and educational boards that are poorly designed and located, can detract from the appearance of an area and add unwanted visual clutter to the streetscape. In this regard, this part of **submission 9** can not be supported.

In terms of replacement trees, again blanket requirements may not always be appropriate in all cases. There is a whole raft of reasons as to why a listed tree may be felled, including location, disease, public hazard etc. A replacement tree may not be appropriate and for this reason this part of **submission 9** can not be supported.

### Recommendation

- **Accept** submissions 83 and 93 insofar as they request that Council undertakes a plan change urgently to recognise Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street Intersection (Newtown), Newtown (Centre) and Thorndon (Centre) as having heritage values worthy of protection by way of recognition as a heritage area in the District Plan.
- **Accept** submission 31 insofar as it requests deletion of the first bullet point of Standard 7.6.2.5.2 and amending Standard 7.6.2.6.1 relating to the requirement for verandahs and display windows on primary street frontages.
- **Accept** submission 83 and 9 insofar that they request that the District plan recognise the importance of a heritage building/area's setting, including recognition on non-listed buildings and structures within the site of a listed building or within a heritage area.
- **Reject** submission 9 insofar as it requests that demolished heritages buildings/structures should be memorialised with plaque and any felled heritage trees should be replaced with a large tree of the same species.

## **4.14 Transportation**

### **4.14.1 General**

#### Submissions

Specific issues raised in submissions include:

- Retain objectives 6.2.5 and 33.2.6 regarding access and transport and their associated policies (**Submission 131**).
- Supports objectives and methods which avoid vehicle dominance of areas (**Submission 118**).

- Amend Policy 6.2.5.3, regarding the roading hierarchy, so that it incorporates a reference to the ‘Wellington Road of National Significance’ (**Submission 117**).
- Amend the explanatory text in the seventh paragraph of Policy 33.2.6.1 by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council (**Submission 117**).
- Amend Policy 33.2.6.3, regarding the roading hierarchy, to include an explicit reference to the importance of the function of SH1 (**Submission 117**).
- All references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004 (**submission 103**).
- Supports the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10 (**Submission 55**).

### Discussion

**Submission 131** seeks the retention of objectives 6.2.5 and 33.2.6 relating to access and transport and their associated policies. There is no intention to change these objectives.

**Submission 118** supports the draft objectives and methods for the reason that they avoid vehicle dominance of areas.

**Submission 117** supports Policies 6.2.5.3 and 33.2.6.3, but requests that they be amended to include an explicit reference to the importance of the function of State highway 1. Officers agree that State Highway 1 serves as a north-south key transport corridor across the city, and recommend adding the following text to the explanation of Policies 6.2.5.3 and 33.2.6.3:

*The hierarchy includes State highways 1 and 2 which provide a key transport corridor stretching from the northern edges of the city through to Wellington Airport.*

**Submission 117** requests that the explanatory text for Policy 33.2.6.1 be amended by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council. Given that State highways 1 and 2 serve as a north-south key transport corridor across the city, Officers agree that it would be prudent to work closely with the NZTA on transportation matters, and as such this should be added to the explanatory text of Policy 33.2.6.1.

**Submission 55** supports the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10. The support of submission 55 should be accepted. Submission 103 requests that all references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004. Officers acknowledge that the standard referred to should be As/NZ Standard 2890.1-2004, therefore this submission should also be accepted.

### Recommendation

- **Accept** submission 131 insofar as it requests the retention of objectives 6.2.5 and 33.2.6 and their associated policies.
- **Accept** submission 118 insofar as it supports objectives and methods which avoid vehicle dominance of areas.

- **Accept** submission 117 insofar as it requests greater recognition of the state highway network in Policies 6.2.5.3 and 33.2.6.3.
- **Accept** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.1 be amended by noting that WCC will work closely with the NZTA as well as Greater Wellington Regional Council.
- **Accept** submission 103 insofar as it requests that all references in the Plan Change to As/NZ Standard 3490.1-2004 be changed to As/NZ Standard 2890.1-2004.
- **Accept** submission 55 insofar as it supports the use of joint Australia New Zealand Standard for parking and access in Standards 7.6.1.7.2 and 7.6.1.7.10.

#### **4.14.2 Multi modes of transport**

##### Submissions

Specific issues raised in submissions include:

- Amend Section 6.1 (Introduction) by inserting references to the promotion of integrated planning, implementation of multi modal transport systems and the expectation that efficient use will be made of existing infrastructure in the first place (**Submission 117**).
- Supports objectives and methods which support sustainable transport options, including all modes of movement (**Submission 118**).
- Supports objectives and methods which make public transport systems more viable (**Submission 118**).
- Retain objectives, policies and rules that encourage the development of viable town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport (**Submissions 115 and 116**).
- Supports proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2 (outward expansion of Centres), 6.2.2.2 (retail activities), 6.2.5.1 (multiple transport modes), 6.2.5.2 (managing adverse effects) and Rules 7.3.1 (activities – carparking rule), 7.3.4 (integrated retail developments) and 7.3.10 (buildings and structures – carparking rule) (**Submission 117**).
- Amend policy 6.2.5.1 to move from a multiple modes approach to a traffic demand management approach (**Submissions 115 and 116**).
- Amend the explanation to Policy 6.2.5.1 by adding an additional bullet point to the second paragraph as follows: “*Make the best use of existing transport infrastructure*” (**Submission 117**).
- Consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5 (**Submission 131**).
- Amend Rule 34.3.5 by adding a new matter that provides discretion over the provision and location of facilities for multi modal transport (**Submission 117**).

- Add a new standard to require that where parking is provided for vehicles, at least an equivalent number of spaces is provided for bicycles, with cycle racks (**Submissions 115 and 116**).

### Discussion

**Submission 117** supports the explanatory information provided in Section 6.1, the Centres introduction, however the submission requests that additional references be inserted into the introduction that explicitly refer to the promotion of integrated planning, implementation of multi modal transport systems and the expectation that efficient use will be made of existing infrastructure. This submission is supported by **further submission 2**.

Officer's support strengthening the draft Plan in this way. It is therefore recommended that the 4<sup>th</sup> paragraph of section 6.1 be amended as follows:

The health of Wellington's Centres depends on their future vitality and viability which essentially relates to:

- promoting integrated planning
- retaining and developing a wide range of attractions and amenities
- creating and maintaining an attractive environment
- ensuring good accessibility to and within the centre, including the implementation of multi modal transport systems
- attracting continuing investment in development or refurbishment of existing buildings-
- making efficient use of existing infrastructure.

**Submission 118** supports the proposed objectives and methods which support sustainable transport options, including all modes of movement. Submission 118 also supports the proposed objectives and methods which make public transport systems more viable. The submission does not seek any changes to the draft.

**Submissions 115 and 116** request that Council retain objectives, policies and rules that encourage the development of viable town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport. There is no intention to remove or amend these parts of the plan.

**Submission 117** supports a proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2, 6.2.2.2, 6.2.5.1, 6.2.5.2 and Rules 7.3.1, 7.3.4 and 7.3.10. This submission with regard to Policy 6.2.5.1 is supported by **further submission 2**. The support of submission 117 should be accepted.

**Submissions 115 and 116** request that Policy 6.2.5.1 be amended to move from a multiple modes approach to a traffic demand management approach, with suggested wording as follows:

*"Ensure that activities and developments are designed to be accessible by active modes and public transport, and that the developments and activities incorporate design features that actively encourage and facilitate the use of those modes."*

The submissions state that they do not believe it is necessary to require that developments be accessible by car – it may be entirely appropriate for a development to be only accessible by active modes (e.g. a development on a rear section with only a footpath connecting it to the streets). This submission is opposed by **further submission 2**.

Officers do not support this proposal. There may be some situations where developments and activities do not need to be accessible by car – equally there will be

other situations where they do not need to be accessible by public transport (the Council landfill for example). The current wording caters for all reasonable eventualities.

**Submission 117** requests that the explanation to Policy 6.2.5.1 be amended by adding an additional bullet point to the second paragraph as follows: “Make the best use of existing transport infrastructure”.

Officers support this proposal, as it is good practice to ensure that use of existing infrastructure is optimised before undertaking new investment. However, Officers recommend inserting the text as the first bullet point in the second paragraph of the explanatory text statement to Policy 6.2.5.1.

**Submission 131** requests that Council consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5, which is about the restriction of small retail activities in the Tawa South and Takapu Island areas. Whilst the submission supports a park and ride facility at Takapu Island, the submission does not see a link between a park and ride facility at Takapu Island and the vitality of the Tawa Town Centre, and hence suggests that this method might be better suited under Policy 33.2.6.1. Officers agree with this suggestion.

**Submission 117** supports Rule 34.3.5 and the various matters to which discretion is limited, and seeks that an additional matter be added that provides discretion over the provision and location of facilities for multi modal transport. Officers agree with this submission as it encourages developers to consider and provide for a range of transport options beyond private motorised transport.

**Submissions 115 and 116** also request that a new standard be added to require that where parking is provided for vehicles, at least an equivalent number of spaces is provided for bicycles, with cycle racks. This submission is opposed by **further submissions 2, 11 and 13**.

Officers consider it unnecessary to require the provision of cycle parks in new buildings at the same ratio as provided car parks. Council policy has for many years promoted the use of public transport and as part of this has not required on-site parking in business and commercial areas since the operative Plan was first notified. As ancillary car parking is not specifically required in commercial areas, neither should ancillary cycle parking.

However it is also recognised that for convenience sake, many people will journey to their local Centre in their private vehicle. Monitoring has identified that successful Centres have a readily available supply of car parks. The need to balance these two issues identifies that the current approach, to let the market dictate where and if car parks are created, is still largely appropriate. Council does provide for kerb side parking where possible to assist in the balance. Other concerns with parking relate to ensuring large parking areas do not have an impact on the roading network or urban design qualities of an area from inappropriate location, layout and design or location of access points.

Council does however encourage the provision of cycle parks, which has increasingly become common practice. Many spare areas exist in new or retrofitted buildings that function as storage areas for bikes by virtue of market/tenant demand.

Given that the Plan does not set standards for number of car parks to be provided, it is not appropriate to set mandatory standards for the provision of cycle parks.

#### Recommendation

- **Accept** submission 117 insofar that it seeks that Section 6.1 (Introduction) be amended by inserting references to the promotion of integrated

planning, implementation of multi modal transport systems and the expectation that efficient use will be made existing infrastructure in the first place.

- **Accept** submission 118 insofar as it supports objectives and methods which support sustainable transport options, including all modes of movement, and which make public transport systems more viable.
- **Accept** submissions 115 and 116 insofar as they seek the retention of objectives, policies and rules that encourage the development of viable town centres, with streetscapes that will make walking comfortable and attractive, and serviced by good public transport.
- **Accept** submission 117 insofar as it supports the proactive approach towards multi-modal travel and towards the integration of land use and transport taken in the following policies and rules: Policies 6.2.1.2, 6.2.2.2, 6.2.5.1, 6.2.5.2 and Rules 7.3.1, 7.3.4 and 7.3.10.
- **Reject** submissions 115 and 116 insofar that they seek that Policy 6.2.5.1 be amended to move from a multiple modes approach to a traffic demand management approach.
- **Accept** submission 117 insofar that it seeks that the explanation to Policy 6.2.5.1 be amended by adding an additional bullet point as follows: *“Make the best use of existing transport infrastructure”*.
- **Accept** submission 131 insofar that it seeks that Council consider the most appropriate policy for the park and ride facility method currently under Policy 33.2.2.5.
- **Accept** submission 117 insofar that it seeks that Rule 34.3.5 be amended by adding a new matter that provides discretion over the provision and location of facilities for multi modal transport.
- **Reject** submissions 115 and 116 insofar that they request that a new standard be added to require that where parking is provided for vehicles, at least an equivalent number of spaces is provided for bicycles, with cycle racks.

#### **4.14.3 Managing adverse effects**

##### Submissions

Specific issues raised in submissions include:

- Add an additional policy after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation (**Submissions 115 and 116**).
- Supports Policy 6.2.5.2 which seeks to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces (**Submission 117**).
- Supports Policy 6.2.5.2, however seeks amendment to explanation to policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres (**Submission 103**).
- Amend Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 to recognise the realities of supermarket customer travel characteristics (**Submission 108**).

- Supports the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4 (**Submission 117**).
- Supports the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects (**Submission 117**).
- Supports Policy 33.2.2.4 but seeks the third bullet point of Policy 33.2.2.4 to be amended as follows: (relates to IRD).
  - *more than minor adverse impacts on the sustainability of the transport network* (**Submission 117**).
- Amend the explanatory text for Policy 33.2.6.1 by adding text outlining the adverse effects that car based travel can have on economic performance of business areas (**Submission 117**).
- Amend the explanation to Policy 33.2.6.2 by adding the following bullet point:
  - *Increases in public transport in some areas, while other areas have capacity in their public transport networks* (**Submission 117**).
- Add a new policy to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter, which supports the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels (**Submission 131**).
- Has concerns about traffic congestion issues associated with further commercial development of the Mt Cook area, however no specific relief is requested (**Submission 100**).
- Include provisions to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces (**Submissions 115 and 116**).

### Discussion

**Submissions 115 and 116** request that an additional policy be added after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation. The suggested wording is:

*“Ensure that activities and developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities so that traffic generation is minimised, and the use of public transport and active modes actively facilitated and encouraged.”*

It is important that travel demand management activities are incorporated into developments at the design stage, in order to prevent unnecessary traffic generation resulting. Retrofitting TDM measures can be more difficult, and poor design will actively generate unnecessary traffic. The sorts of activities that might be required in conditions include the development of travel plans, reduced provision of car parking, providing facilities for cyclists and walkers, providing enhanced public transport access (e.g. covered walkways to bus stops), providing real time information, etc.

Officers therefore support the addition proposed above.

**Submission 117** supports Policy 6.2.5.2 which seeks to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces. The support of **submission 117** should be accepted.

**Submission 103** supports Policy 6.2.5.2, however seeks amendment to the explanation to the policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres. **Further submission 2** supports this submission. The support of **submission 103** should be accepted.

**Submission 108** requests that Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 be amended to recognise the realities of supermarket customer travel characteristics whereby surveys show that a high proportion of customers choose to use private vehicles for supermarket shopping. **Further submission 13** conditionally supports this submission provided that reference is made to ‘anchor stores’, not just supermarkets. **Further submission 18** opposes submission 108 in part, and requests that if Council adopts the submission, additional wording should be included stating that the impacts on the capacity of the roading network should be taken into account.

Officers accept that the use of private vehicles is a large part of supermarket shopping. However, the effects of this phenomenon on the transport network must be included as part of the assessment of any large scale development and this is what the policy and rule state. It is therefore recommended that this aspect of **submission 108** should not be accepted.

**Submission 117** supports the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4. The support of **submission 117** should be accepted.

**Submission 117** supports the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects. The support of **submission 117** should be accepted.

**Submission 117** supports Policy 33.2.2.4 but seeks the fourth bullet point of Policy 33.2.2.4 to be amended as follows: (relates to IRD)

- *more than minor adverse impacts on the sustainability of the transport network*

The submission appears to be requesting that a lower threshold of effects be applied. Officers are of the view that the threshold in the policy, which states “will not result in significant adverse impacts” is appropriate. The submission is not supported.

**Submission 117** requests that the explanatory text for Policy 33.2.6.1 be amended by adding text outlining the adverse effects that car based travel can have on economic performance of business areas.

The effects of car based travel on economic performance are not clear cut and vary from area to area. For example, in certain centres and for certain businesses (such as big box retail), car access is likely to be positive. In other areas (particularly inner city retail) it may be neutral or even negative. Officers therefore do not support the inclusion of text that indicates that car based travel is wholly negative to economic performance.

**Submission 117** seeks that the explanation to Policy 33.2.6.2 be amended by adding the following bullet point:

- *Increases in public transport in some areas, while other areas have capacity in their public transport networks.*

While officers recognise the intent of this proposed amendment, it would be too prescriptive in its effect because it would preclude developments in any area other than those with capacity available in the public transport network. Public transport capacity can be and is adjusted from time to time across the network to respond in changing circumstances, including developments of various kinds. The submission is therefore not supported.

**Submission 131** seeks that a new policy be added to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter, which supports the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels. This submission is supported. The proposed policy reads as follows:

**Submission 100** raises concerns about traffic congestion issues associated with further commercial development of the Mt Cook area, however no specific relief is requested. Officers believe that traffic congestion issues associated with development generally are already adequately covered in DPC73 and no specific provisions are required for the Mt Cook area.

**Submissions 115 and 116** request that provisions are included to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces.

DPC73 already requires consideration of the effects of developments on adjacent roads (6.2.5.2 and 33.2.6.2). This submission seems to be going further to the extent of requiring developers to actually make the transport network better than it was prior to the development. This is an unreasonable imposition on developers and is not supported by officers.

### Recommendation

- **Accept** submissions 115 and 116 insofar as they request that an additional policy be added after Policy 6.2.5.1 to ensure that new developments that have the potential to generate significant levels of traffic incorporate design features and/or contribute to other activities to minimise traffic generation.
- **Accept** submission 117 insofar as it supports Policy 6.2.5.2 which seeks to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces.
- **Accept** submission 103 insofar as it supports Policy 6.2.5.2 which seeks to manage the adverse effects of activities that generate high levels of traffic or require a large number of parking spaces, however seeks amendment to explanation to policy to acknowledge the important role played by smaller vehicle-oriented activities in adding to the diversity of Centres.
- **Reject** submission 108 insofar as it requests that Policies 6.2.5.2 and 33.2.6.2 and Rule 7.3.10 be amended to recognise the realities of supermarket customer travel characteristics.
- **Accept** submission 117 insofar as it supports the matters over which discretion is to be retained in Rule 7.3.4, including those matters provided in Rules 7.3.4.3 and 7.3.4.4.

- **Accept** submission 117 insofar as it supports the explanations to Policies 33.2.2.1 and 33.2.2.2 particularly with regard to the traffic generated by activities and avoiding, remedying or mitigating effects.
- **Accept** submission 117 insofar as it supports Policy 33.2.2.4 but **reject** the request that the third bullet point of Policy 33.2.2.4 be amended as follows: “more *than minor adverse impacts on the sustainability of the transport network*”.
- **Reject** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.1 be amended by adding text outlining the adverse effects that car based travel can have on economic performance of business areas.
- **Reject** submission 117 insofar as it requests that the explanatory text for Policy 33.2.6.2 be amended by adding the following bullet point: “*Increases in public transport in some areas, while other areas have capacity in their public transport networks*”.
- **Accept** submission 131 insofar as it requests that a new policy be added to the Centre and Business chapters consistent with Policy 4.2.5.3 of the proposed Residential Areas chapter.
- **Reject** submission 100 insofar as it has concerns about traffic congestion issues associated with further commercial development of the Mt Cook area, however no specific relief is requested.
- **Reject** submissions 115 and 116 insofar as they request that provisions be included to ensure that the effects of developments on adjacent roads are considered, including requiring major developments to contribute to improvements in roads that allow them to change traffic routes to attractive shared public spaces.

#### **4.14.4 Vehicle parking**

##### Submissions

Specific issues raised in submissions include:

- Delete reference to maximum parking ratios within the Centre Zone; or apply a 1:20m<sup>2</sup> parking ratio to ‘anchor stores’ (Supermarkets/ department stores) and permit a minimum of one parking space per residential unit (Standard 7.6.1.7.1) (**Submissions 13 and 14**).
- Amend Standard 7.6.1.7.1 removing limit on parking for all activities in Centres zone, or alternatively apply the rule only to primary street frontages (**Submission 103**).
- Amend Standard 7.6.1.7.1 to provide different maximum carparking requirements for supermarkets (**Submission 108**).
- Amend definition of ‘gross floor area’ to ensure that where carparking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand. Alternatively, insert a new definition of ‘gross floor area (for the purpose of carparking requirements)’ (**Submission 103**).
- Support Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted) (**Submission 56**).

- Amend Rule 7.3.10 relating to parking spaces to recognise the realities of supermarket customer travel characteristics (**Submission 108**).
- Support need for a resource consent if development exceeds 70 car parks (**Submission 19**).
- Delete Standard 7.6.1.7.5 relating to vehicle parking at ground level (**Submission 108**).
- Amend Standard 7.6.1.7.5 to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more than one primary or secondary street frontage (**Submission 103**).
- Amend Standard 7.6.1.7.5 so that it does not apply to service stations (**Submission 26**).
- Does not believe that parking is adequately addressed, the emphasis seems to be on not providing any, this type of policy is already resulting in a growth in the number of vehicles that are parked on the streets, and this will only get worse. No specific relief is requested (**Submission 100**).
- Include a provision that may require developers to provide off-street parking for residential developments if the increased parking demand will place pressure on the adjacent residential community's access to on-street parking (**Submissions 19 and 56**).
- That Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village (**Submission 58**).

### **Submissions Relating to Rule 7.6.1.7.1**

**Submissions 13 and 14** have identified the inadvertent inclusion of a rule in the proposed provisions for Centres. **Further submission 1** supports submission 13 while **further submission 18** opposes both submissions 13 and 14.

The submissions concern Rule 7.6.1.7.1 which states that activities in Centres do not have to provide on-site parking but where parking is provided it must not exceed a maximum of 1 space per 100 m<sup>2</sup> gross floor area.

This rule has applied in the Central Area for some time and relates specifically to policies designed to constrain or otherwise manage the flow of commuter vehicles in and out of the City. The rule works to control the establishment of de facto parking buildings on sites which might be used for commuter parking.

The parking situation in the suburbs is quite different. For many years suburban Centres have suffered from a shortage of on-site parking and the spill-over into surrounding residential streets has caused problems.

Under former plans the Council proposed to address this by developing public carparking but the policies and provisions in this regard were not implemented to any significant extent. For the past two decades or more the Council has relied on private owners in the Centres to meet their parking needs.

In 1994 when the first District Plan under the RMA was prepared and notified the parking regime for suburban Centres was liberalised to facilitate the provision of parking. The former minimum parking rules were removed as they were often impractical to apply and a maximum level (as imposed in the Central Area) was not seen as necessary in the suburbs because the commuter traffic issue was not so relevant. The general thinking was that if private interests were prepared to construct some additional parking in suburban Centres it should necessarily be discouraged.

While the overall aim is to promote compact and sustainable centres where there is good access to public transport the provision of parking is still considered to be important in promoting the development and viability of Centres and for protecting the amenities of surrounding residential areas.

Under the current review of the Suburban Centre provision it was not intended to adopt the Central Area measures in the suburbs but in the rule drafting process the 1 : 100 m<sup>2</sup> gross floor area rule was inadvertently transposed.

If the provision was to remain it would conflict with the existing policies and indeed require additional policy statements to justify the rule restriction. However, the officers are of the view that the situation under the Operative District Plan should be maintained and Rule 7.6.1.7.1 removed.

In support of the above the submitters contend that the rule will make it extremely difficult for anchor stores, and particularly full service supermarkets, to locate and/or remain within the Centre zone. This is the case irrespective of the encouragement provided within DPC73 for the intensification of development at Centre zoned sites. Even with an increase in the GFA footprint of sites it is unlikely that a sufficient quantum of parking will be delivered under proposed Standard 7.5.1.1 so as to allow a supermarket anchor to function.

The submitters argue that the identification of Primary and Secondary frontages within DPC73 will be sufficient to ensure against vast areas of highly visible and expansive areas of at-grade car parking being provided at key central locations, to the detriment of the overall amenity of the Centres, without the need to introduce a draconian maximum parking ratio.

If the maximum parking requirement was to be retained then **submissions 13, 14 and 108** have requested that Standard 7.6.1.7.1 be amended to provide different maximum carparking requirements for supermarkets or anchor stores. **Submitters 13 and 14** request the following:

*'Activities in Centres are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:*

- *one space per 100m<sup>2</sup> gross floor area, with the exception of 'anchor stores' where one space per 20m<sup>2</sup> gross floor area ratio applies, and residential units where a minimum of one space per unit applies.*

**Submitter 108** requests the following variation:

*7.6.1.7.1 Activities in Centres are not required to provide on-site vehicle parking, but where parking is provided, it must not exceed a maximum of:*

- *one space per 100m<sup>2</sup> gross floor area*
- *except for supermarkets which are permitted to provide one space per 20m<sup>2</sup> gross floor area.*

The submissions assert that by not providing for onsite parking for supermarkets and other large stores in centres is an unrealistic proposition. It is argued that it is well established that for such uses a high proportion of customers choose to arrive by car. This modal split reflects the fact that for such shopping trips, it is not practical for people to carry all of their purchases home on foot, bike or on public transport, and is not likely to change in the foreseeable future. **Further submission 13** conditionally supports this submission provided that reference is made to 'anchor stores', not just

supermarkets. **Further submission 18** opposes submission 108 in part, and requests that Standard 7.6.1.7.1 be retained as notified.

Further, and particularly in relation to supermarket retailing, providing for a maximum of 1 space per 100m<sup>2</sup> does not reflect commercial reality nor the significance of anchor stores (such as supermarkets) as arrival destinations for many people visiting a centre. This could also result in congestion of surrounding streets and adverse effects on the viability of the centre as a whole, as people would choose to shop elsewhere due to a lack of convenient parking.

Likewise, **submission 103** opposes Standard 7.6.1.7.1, which limits the number of parking spaces to one space per 100m<sup>2</sup> GFA. The submission asserts that it is not appropriate to limit parking for all activities within the Centres zone and this will not achieve the objective of strengthening retail activity within Centres. The submission requests that Standard be amended to read:

*~~“Activities in Centres are not required to provide on-site vehicle parking but where parking is provided it must not exceed a maximum of one space per 100m<sup>2</sup> gross floor area”.~~*

Alternatively the submission requests that the rule apply only to Primary Street Frontages. **Submission 103** asserts that the Plan Change acknowledges that there is a problem with ensuring adequate parking within Centres and unless there is an adequate supply of conveniently located public parking, retail businesses will be disadvantaged. This submission is supported by **further submissions 2 and 13** but opposes by **further submission 18**.

The matters raised by **submitters 13, 14, 103 and 108** relating to parking are acknowledged and accepted to the extent that all uses in Centres should be permitted to provide off-street parking appropriate to their needs. Other Plan provisions have been included to ensure that any parking that is provided is properly located and designed in the interest of public safety, convenience and the protection of amenity values.

In relation to this matter **submission 103** also requests that the definition of ‘gross floor area’ be amended to ensure that where carparking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand. Alternatively, the submission requests that a new definition of ‘gross floor area (for the purpose of carparking requirements’ be inserted in the Plan Change, as follows:

***GROSS FLOOR AREA (FOR THE PURPOSE OF CARPARKING REQUIREMENTS):*** means the sum of the gross area of the floor or floors of a building or buildings (including any void area in those floors, such as a lift or service shaft) measured from the exterior faces of exterior walls, or from the centre line of walls separating two buildings. It does not include floor area occupied by car parking areas, loading and servicing facilities, and toilet facilities.

Any discussion of the above definition would only be relevant if Rule 7.6.1.7.1 is to be retained as it is this provision that refers to ‘gross floor area’. However, it is recommended that the rule not be retained and if this is sustained the submission with regard to parking will have been addressed.

If the deletion of Rule 7.6.1.7.1 is not accepted then it is noted that any change or amendment to the definition of ‘gross floor area’ would have implications for other zones as the definition applies district-wide. Any change or amendment would have to recognise this and be considered comprehensively. This should more appropriately

be done at the time of a general review. Accordingly no action is recommended at this stage.

The conclusion in respect of the above submissions to Rule 7.6.1.7.1 is that the rule be removed and the status quo under the operative District Plan be retained. Accordingly it is recommended that the submissions be accepted or rejected to the extent that they are addressed by this recommendation.

Further to the above **submissions 13 and 14** also argue that to facilitate the attractiveness and saleability of centrally located residential units and in order to avoid spill-over parking into surrounding residential areas, it would be beneficial for each of those units to have at least one (on-site) allocated parking space. As presently worded, proposed Standard 7.6.1.7.1 would make it difficult for any car parking spaces to be allocated to residential units incorporated within intensified mixed-use schemes within the Centre zone.

Council policy has for many years promoted the use of public transport and as part of this has not required on-site parking in business and commercial areas, including for residential activities, since the operative Plan was first notified. The reasons for this are to maintain the City's compact urban form by encouraging public transport use, and to improve the visual streetscape appearance. In most cases it is anticipated that the market will provide sufficient on-site parking and standards would not allow for flexibility in the few cases where it may be appropriate. For these reasons, Officers do not agree with the alternative wording for Standard 7.6.1.7.1 requested by the submissions, and therefore recommend that this part of the submissions be rejected.

#### **Submissions Relating to Rule 7.6.1.7.5**

**Submission 108** opposes Standard 7.6.1.7.5 relating to vehicle parking at ground level and requests that this standard be deleted. The submission asserts that some realistic allowance for at grade car parking that is visible from primary or secondary street frontages must be made. The submission also asserts that this standard is drafted in an extremely restrictive fashion, where even parking within a building is not enabled at ground level on identified frontages. This submission is supported by **further submissions 2 and 11** and supported in part by **further submission 13**.

It is argued that limited, well-landscaped parking in front of an anchor store (given their particular role within centres) is an acceptable urban design outcome particularly along Secondary Frontages (this is especially true for internal parking arrangements within the building envelope).

**Submission 26** also seeks that Standards 7.6.1.7.5 relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, do not apply to service stations located on a Secondary Street Frontage.

It is a longstanding policy of Council to require display windows and verandahs on key commercial frontages and the opportunity has been taken through DPC 73 to further strengthen the design qualities of Centres.

While Rule 7.6.1.7.5 excludes parking on specified primary and secondary frontages it is noted that the standard is not absolute. The opportunity is available under Rule 7.3.5 for developers to seek a dispensation or waiver of the provision. This process will enable the merits of any parking proposal to be assessed.

As it is believed that urban design considerations should not be subservient to parking on key frontages it is therefore recommend that these submissions be rejected.

Similarly, **submission 103** opposes Standard 7.6.1.7.5 relating to vehicle parking at ground level and requests that this standard be amended to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more

than one primary or secondary street frontage. The submission requests that Standard 7.6.1.7.5 be amended by adding the following:

*7.6.1.7.5 Open vehicle parking areas or parking at ground level within a building must not be situated at ground level at the front of sites where standard 7.6.2.6 (Primary and Secondary Street Frontages) applies.*

*Provided that:*

- *this rule does not apply to existing activities where additions or alterations to buildings do not exceed 10% of existing GFA*
- *sites (not being corner sites) with frontage to more than one Primary or Secondary Street Frontage may provide parking at ground level at the front of the street with the lower traffic volume”.*

The submission asserts that as some sites may have frontages to both a Primary and Secondary Street Frontage, the standard would have the effect of not allowing any parking on such sites, which would limit development options for retail activities requiring on-site parking. The submission also asserts that a number of vehicle orientated activities are located within existing centres and provide on-site parking for their customers. It would appear that the rule would apply to existing developments and require resource consent to be obtained where additions or alterations are proposed to an existing development with parking in front of the building. This imposes unnecessary consent costs on existing businesses. Businesses should not be required to justify the provision of parking for their customers.

For the reasons outlined in the comments to **submission 108** above this submission is not supported and it is recommended that it be rejected.

**Submission 100** raises general concerns about the current parking policy which requires no off-street provision in Suburban Centres. It is argued that that parking is inadequately addressed and the current policy is resulting in a growth in the number of vehicles that are parked on the streets, which will only get worse. The submission does not request any specific relief.

It is acknowledged that there are difficulties with providing reasonable parking in Centres and that this creates pressures in surrounding residential areas. However, it is also acknowledged that parking rules in the form of either minimum or maximum requirements do not work in a way that would make any appreciable difference to the situation.

On one hand the historical pattern of development tends to work against the provision of on-site parking where minimum requirements are imposed and in any event extensive parking at grade runs counter to the promotion of compact and sustainable centres. Current policies are directed towards encouraging other transport modes.

On the other hand, as noted above, maximum requirements would work against the provision of parking where this might be proposed.

It is recognised that a strategic approach is required to transportation matters and associated issues such as parking and the Council continues to promote initiatives under the ambit of the current Transport Strategy. Reliance on District Plan rules will not necessarily achieve desired outcomes.

As this submission seeks no relief it is therefore recommended that it be rejected.

## **Submissions relating to the 70 parking space requirement**

**Submission 56** supports Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted), whilst **Submission 19** supports the need for a resource consent if development exceeds 70 car parks. The 70 car parking space trigger deals with the local street impact at the point of access and is based on AS/NZS 2890.1 2004 Table 3.3 which considers potential queuing on street at the car park entry and recommends space be provided for 2 cars or 3% of total car park spaces whichever is the greater for a car park not greater than 100 cars capacity. This translates to 70 car parks, which is also the carparking trigger for the Central Area. Officers consider that this trigger appears to have worked satisfactorily in the Central Area and allows for a reasonable generic level of on street queuing on a typical inner city street without causing undue obstruction and delay to traffic. Officers consider it appropriate to apply the 70 space figure to Centres as well as the Central Area for consistency. For these reasons, the support of these two submissions should be accepted.

**Submission 108** requests that Rule 7.3.10 relating to parking spaces be amended to recognise the realities of supermarket customer travel characteristics, in that a high proportion of customers choose to use private vehicles for supermarket shopping. As such, the submission requests that Rule 7.3.10 be amended as follows:

*7.3.10 The construction of buildings or structures ~~involving the provision of which provide~~ more than 70 parking spaces is a Discretionary (Restricted) Activity in respect of:*

*7.3.10.1 the movement of vehicular traffic to and from the site.*

*7.3.10.2 the impact on the roading network and the hierarchy of roads (see Map 33) from trip patterns, travel demand or vehicle use.*

*7.3.10.3 the provision and location of facilities for multiple modes of transport (but in respect of supermarkets, having regard to their particular operational characteristics which necessitate travel by private vehicle).*

Rule 7.3.10 identifies the three matters for which discretion has been reserved for assessing applications for parking above the 70 parking space threshold.

With regard to the wording of the rule it is considered that replacing the words 'involving the provision of' with 'which provide' is more concise and should be accepted.

However, the suggested addition to provision 7.3.10.3 relating to supermarkets is not recommended for acceptance. The provision identifies the matter for discretion but it is not considered that this should be qualified for a specific use type. Not all supermarket customers arrive or depart by private vehicle and it is believed appropriate therefore that for any new development triggering Rule 7.3.10 that a transport assessment be provided that considers other transport modes. This will be achieved with the wording of the rule as drafted.

## **Parking -General**

**Submissions 19 and 56** note that new residential developments in Centres are not required to provide off street parking, in order to encourage use of public transport. While the motive is admirable, the reality is that some and probably most of the new residents will have cars and will need to put them somewhere. **Submissions 19 and 56** request that Council include a provision in the Plan Change that may require developers to provide off-street parking for residential developments if the increased

parking demand will place pressure on the adjacent residential community's access to on-street parking.

As previously discussed, Council policy does not require on-site car parking for residential activities within Centres. The key reasons for this are to maintain the City's compact urban form, encouraging public transport use, promoting mixed use and vitality and improving the visual townscape qualities. It is believed that this policy is appropriate and provides the necessary flexibility to provide more intensive residential development in areas that have good access to all services and facilities where there is less need to rely on the ownership of a motor vehicle.

It is acknowledged that there is a longstanding issue of spill-over traffic from Centres parking in residential areas but is not considered that this would be addressed to any significant extent by imposing minimum requirements on residential uses. This will only deter the establishment of new residential development in areas where more intensive growth is desirable. In many respects the market can appropriately determine the level of parking provision. In Centres there is no need for further regulation. Permitted commercial uses will continue to generate more traffic than can be accommodated on site. Consequently the protection of existing residential neighbourhoods will for some time be more reliant on the rigorous enforcement of on-street parking requirements and the promotion of other methods to minimise parking demand.

In light of the above it is recommended that these submissions not be accepted.

**Submission 58** requests that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

The Council does acknowledge the need for parking to support local business but the difficulties of providing parking to meet increasing demands in Centres such as Marsden Village are also recognised. The key question is how reasonable parking can be provided without detracting from the attractiveness or viability of the centre, without encroaching unduly into surrounding residential properties and without relying on public funding to construct off - street parking.

In the current environment it is not considered that the District Plan necessarily provides the most appropriate means for creating additional parking but it does play a role in ensuring ensure that there are no unnecessary regulatory barriers to achieving parking improvements.

It will be recalled that it was a private initiative that led to the establishment of a joint rear parking area on the east side of Marsden Village which is an example of how commercial imperatives can, with the support of the Council, prompt action and achieve improvements. Opportunities still exist in the village to make further improvements but this would require support from multiple owners.

Although this submission seeks no specific relief it is recommended that the submission be accepted insofar as it requests that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

### Recommendations

- **Accept** submissions 13, 14, 103 and 108 to the extent that Standard 7.6.1.7.1 is deleted.
- **Reject** submissions 13 and 14 insofar as they request that a 1:20m2 parking ratio be applied to 'anchor stores' (Supermarkets/ department

stores) and permit a minimum of one parking space per residential unit (Standard 7.6.1.7.1).

- **Reject** submission 108 insofar as it requests that Standard 7.6.1.7.1 be amended to provide different maximum carparking requirements for supermarkets.
- **Reject** submission 103 insofar as it requests that Standard 7.6.1.7.1 be amended to remove the limit on parking for all activities in Centres zone, or alternatively apply the rule only to primary street frontages.
- **Reject** submission 103 insofar as it requests that the definition of 'gross floor area' be amended to ensure that where carparking is or may be required for a particular activity in Centres or Business Areas, the parking ratio is applied to only those parts of the building which generate parking demand.
- **Reject** submission 108 insofar as it requests that Standard 7.6.1.7.5 relating to vehicle parking at ground level be deleted.
- **Reject** submission 26 requesting that Standard 7.6.1.7.5 does not apply to service stations.
- **Reject** submission 103 insofar as it requests that Standard 7.6.1.7.5 be amended to provide exemptions for minor additions or alterations to existing buildings and sites with frontages to more than one primary or secondary street frontage.
- **Reject** submission 100 insofar as it has concerns about parking requirements, however no specific relief is requested.
- **Accept** submission 56 insofar as it supports Rule 7.3.1 to reduce to 70 spaces the parking spaces threshold for activities deemed Discretionary (Restricted).
- **Accept** submission 19 insofar as it supports the need for a resource consent if development exceeds 70 car parks.
- **Reject** submission 108 insofar as it requests that Rule 7.3.10 relating to parking spaces be amended to recognise the realities of supermarket customer travel characteristics.
- **Accept** submission 108 in part and that in Rule 7.3.10 the words 'involving the provision of' be replaced by the words 'which provide'.
- **Reject** submissions 19 and 56 insofar as they requests that a provision be included that may require developers to provide off-street parking for residential developments if the increased parking demand will place pressure on the adjacent residential community's access to on-street parking.
- **Accept** submission 58 insofar as it requests that Council acknowledge that some off-street parking is essential for the ongoing sustainable viability of businesses in a Neighbourhood Centre of the size of Marsden Village.

#### 4.14.5 Accessibility – pedestrians and people with restricted mobility

##### Submissions

Specific issues raised in submissions include:

- Supports Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility (**Submission 117**).
- Amend Policy 6.2.5.5 and insert new rules/standards to provide opportunities to improve pedestrian networks where they are deficient (**Submissions 115 and 116**).
- Retain objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc) (**Submissions 115 and 116**).
- Supports provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods (**Submission 118**).
- Strongly support design of “mid-block pedestrian access ways” and suggest that these should also be available for cyclists and other such healthy modes of movement (**Submission 118**).
- Make increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport (**Submission 118**).
- Supports provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access (**Submission 118**).
- Include vehicle access rules within Centres to ensure that vehicle movements across footpaths can be properly controlled from a safety and amenity perspective (**Submission 93**).
- That the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations (**Submission 122**).

##### Discussion

**Submission 117** supports Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility. The support of **submission 117** should be accepted.

**Submissions 115 and 116** argue that Policy 6.2.5.5 does not go far enough in recognising that problems with pedestrian networks should be corrected when major developments occur, and suggest that Policy 6.2.5.5 should be amended to read:

*6.2.5.5 Maintain and enhance existing pedestrian access ways and thoroughfares, and where opportunities arise, or there are significant network deficiencies create new thoroughfares and enhance pedestrian accessibility.*

Officers are of the view that the amended wording is unnecessary as the ability to rectify significance network deficiencies is already provided for in the existing wording.

**Submissions 115 and 116** also assert that new rules/standards be inserted that allow the council to require developers to contribute land where that is needed to provide improved access across large blocks, or where for topographic reasons public access across the city is adversely affected by the lack of an access route across the relevant land.

This submission is considered to be too prescriptive. It is also unnecessary as it is already possible to arrange for developers to contribute land on a case by case basis via individual negotiations during the consenting process. The submission is not supported.

**Submissions 115 and 116** request that Council retain objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc). The support of **submissions 115 and 116** should be accepted.

**Submission 118** supports provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods. The support of **submission 118** should be accepted.

**Submission 118** strongly support design of “mid-block pedestrian access ways” and suggest that these should also be available for cyclists and other such healthy modes of movement. The support of **submission 118** should be accepted.

**Submission 118** requests that Council make increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport.

The draft plan is intended to provide a balanced approach to the various modes of transport (private vehicles, public transport and non-motorised transport) to provide a choice of modes for citizens. Officers believe the balance in the plan is appropriate and do not support providing increased emphasis on public transport and non-motorised transport.

**Submission 118** supports provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access. The support of **submission 118** should be accepted.

**Submission 93** seeks that vehicle access rules are included within Centres to ensure that vehicle movements across footpaths can be properly controlled from a safety and amenity perspective.

Such rules currently exist in DPC73 and are considered adequate by Council Officers. For this reason, it is recommended to reject this submission.

**Submission 122** requests that the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations.

Existing legislative requirements for parking for mobility-impaired people already exist and are considered sufficient to manage the issues.

### Recommendation

- **Accept** submission 117 insofar as it supports Policies 6.2.5.4 and 6.2.5.5 which relate to accessibility for people with restricted mobility and the pedestrian network and accessibility.

- **Reject** submissions 115 and 116 insofar as they request that Policy 6.2.5.5 be amended and that new rules/standards be inserted to provide opportunities to improve pedestrian networks where they are deficient.
- **Accept** submissions 115 and 116 insofar as they request that objectives, policies and rules that ensure that developments within town centres do not have adverse effects on the walkability of the centre (including relating to the creation of wind conditions, reduction of a sense of security, encroachment into footpath space, etc) are retained.
- **Accept** submission 118 insofar as it supports provisions in the Plan Change for the continuation of easy pedestrian access in local neighbourhoods.
- **Accept** submission 118 insofar as it supports the design of “mid-block pedestrian access ways” and suggest that these should also be available for cyclists and other such healthy modes of movement.
- **Reject** submission 118 insofar as it requests that Council makes an increased provision for access to public transport and services, as well as for alternative non-motorised modes of transport.
- **Accept** submission 118 insofar as it supports provisions in the Plan Change for pedestrian areas which are not pierced by vehicle access.
- **Reject** submission 93 insofar as it requests that Council include vehicle access rules within Centres to ensure that vehicle movements across footpaths can be properly controlled from a safety and amenity perspective.
- **Reject** submission 122 insofar as the Business Area Rules and Standards be modified to ensure that there will always be adequate car-parking facilities for people with mobility restrictions, adjoining the main entrances of all major shopping and business developments, and close to all major bus stops and railway stations.

#### **4.14.6 Site servicing**

##### Submissions

Specific issues raised in submissions include:

- Amend Standard 7.6.1.7.6 to exempt lifts which only service parking levels (**Submission 108**).
- Delete Standard 7.6.1.7.9 (**Submission 108**).
- Amend Standard 7.6.1.7.9 so that the standard does not apply to service stations (**Submission 26**).
- Opposes provisions of loading on smaller sites and seeks changes to standards so that no loading bay is required where:
  - the retail/service activities on the site have a floor area of less than 200m<sup>2</sup>; and
  - the site has a width narrower than 25m; and
  - there is an existing on-street loading bay within 50m of the site (**Submission 55**).
- Requests that the provision for service lanes should be encouraged within the rules (**Submission 77**).

Discussion

**Submission 108** requests that Standard 7.6.1.7.6 be amended to exempt lifts which only service parking levels, and so that it reads as follows:

*7.6.1.7.6 On each site in Centres (excluding Neighbourhood Centres, as listed in Policy 6.2.1.1), at least one loading area shall be provided as follows:*

- ...
- *for buildings serviced by lifts, all levels shall have access to a loading area by way of a lift except where lifts only service parking levels;*
- ...

The submission asserts that this amendment reflects that it is unnecessary for lifts which are limited to servicing parking levels to have lift access to a loading area.

Officers do not agree with this submission as the use of parking levels may change over time and it is appropriate that the opportunity be retained for servicing. Also, parking levels can be used by service vehicles i.e. smaller courier vans and it would be useful therefore for lift access to be available to other floors. For these reasons, Officers recommend that this submission be rejected.

**Submission 108** opposes Standard 7.6.1.7.9 requiring that new servicing and loading areas not be situated at ground level at the front of sites to which the standards for Primary and Secondary Frontages apply. This submission is supported by **further submissions 2 and 11**.

**Submission 26** seeks that standard, 7.6.1.7.9 relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, do not apply to service stations located on a Secondary Street Frontage.

The submissions asserts that these standards are unrealistic and access may be appropriate from both primary and secondary frontages, and often particularly along Secondary Frontages. The submissions also assert that one access per frontage often may not be adequate, particularly if there are dedicated access- and egress-ways.

It is acknowledged that such uses have special servicing needs but it is a longstanding policy of the Council to protect key shopping frontages where there are higher pedestrian flows. It is not good planning to mix servicing with pedestrians.

It is noted that the standard is not absolute and in particular cases where servicing or loading on identified frontages may be appropriate then there is the opportunity for assessment as a Discretionary Restricted Activity.

For the above reasons it is recommended that these submissions be rejected.

**Submission 55** opposes provisions of loading on smaller sites and seeks changes to standards so that no loading bay is required where the retail/service activities on the site have a floor area of less than 200m<sup>2</sup>; and the site has a width narrower than 25m; and there is an existing on-street loading bay within 50m of the site.

As a general principle it is believed that all commercial premises should have appropriate serving arrangements and for this reason a rule has been included requiring at least one loading area for each site.

However, it is acknowledged that the diversity of business activities, the subdivision and design of premises and the changing nature of servicing makes the application of a standard rule somewhat problematic. Nevertheless the Council has maintained a

standard loading rule for a long time in view of the practical difficulties of preparing rules to meet diverse situations.

The approach that has been carried into DPC 73 is to provide a “trigger” (that necessitates a resource consent) so that proposals can be assessed on their merit via a resource consent assessment process involving input from relevant Council advisers. This approach provides a better way of tailoring loading to particular sites and is believed preferable to blanket exceptions or varying standards.

For the above reasons it is recommended that this submission be rejected.

**Submission 77** requests that the provision for service lanes should be encouraged within the rules. The increased number of service vehicles double parking on the primary street frontages cause traffic delays and hazards which would be mitigated by an effective service lane at the rear.

Service lane access is usually provided for in the District Plan where there are multiple owners and land must be taken to secure a service lane route. There is nothing to prevent private owners cooperating to achieve access but in the past Council designations have often been imposed to compel owners to contribute to the development of service lane access.

In more recent times the Council has not been committed to imposing service lane designations and has instead relied on rules for all sites to have loading facilities but not accessed across important pedestrian frontages. The rules also provide that where access can be provided from an existing service lane or right-of-way registered in favour of the site or other private road or private right-of-way, no vehicle access shall be from the street.

It is considered that in the main the rules work satisfactorily to achieve appropriate site servicing and it is recommended that they be maintained. It is not believed that consideration should be given to extending the rules to promote service lane access as rules cannot compel multiple owners to work together.

Accordingly it is recommended that this submission be rejected.

#### Recommendations

- **Reject** submission 108 insofar as it requests that Standard 7.6.1.7.6 be amended to exempt lifts which only service parking levels.
- **Reject** submission 108 insofar as it requests deletion of Standards 7.6.1.7.9 relating to site servicing.
- **Reject** submission 26 requesting that Standard 7.6.1.7.9 not apply to service stations located on secondary frontages.
- **Reject** submission 55 insofar as it seeks changes to standards for loading bays.
- **Reject** submission 77 insofar as it requests that the provision for service lanes should be encouraged within the rules.

#### **4.14.7 Access**

##### Submissions

Specific issues raised in submissions include:

- Amend Standards 7.6.1.11 and 7.6.1.13 relating to street frontages and vehicle accesses to clarify their intent to read as follows:

*“No new vehicle access is permitted at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.” (Submission 31).*

- Delete Standard 7.6.7.1.14 relating to access to primary frontages (**Submission 31**).
- Delete Standard 7.6.2.6.7, relating to restrictions on vehicle oriented uses along primary street frontages, and the definition of ‘vehicle oriented uses’ (**Submission 31**).
- Delete Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages (**Submission 103**)
- Amend Standard 34.6.1.7 to include an additional clause that restricts access to any site across any restricted road frontage identified on Planning Maps 43-46 (**Submission 117**).
- Specify that Standard 7.6.1.11, relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, do not apply to service stations located on a Secondary Street Frontage (**Submission 26**).
- Opposes Standards 7.6.1.7.11, 7.6.1.7.13, and 7.6.1.7.14, 7.6.1.7.15, 7.6.1.7.16 and 7.6.1.7.17 relating to site servicing and site access for vehicles (**Submission 108**).
- Recognise existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals for key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14) (**Submissions 13 and 14**).
- Supports Standards 7.6.1.7.7 through to 7.6.1.7.12, which sets out the requirements for vehicle access to sites (**Submission 117**).
- Supports Standards 34.6.1.7.7 to 34.6.1.7.12 relating to vehicle parking, servicing and site access (**Submission 117**).
- Amend Standards 7.6.1.7.13 and 34.6.1.7.9 by restricting access to State Highways to help ensure the safety and efficiency of the State highway network is maintained (**Submission 117**).
- Include a new Standard under 43.6.1.7 for Restricted Road frontages (**Submission 117**)

### Discussion

**Submission 31** seeks that Standards 7.6.1.7.11 and 7.6.1.7.13 relating to street frontages and vehicle accesses be amended to clarify their intent to read as follows:

7.6.1.7.11 *“No new vehicle access is permitted at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.”*

7.6.1.7.13 *“Subject to Standard 7.6.1.7.11, there shall be a maximum of one vehicle access to any site except for sites that have more than one frontage. In such cases, a site may have one access across each frontage.”*

**Submission 31** also seeks that Standard 7.6.7.1.14, relating to access to primary frontages, be deleted.

Officers agree that minor changes to the provisions relating to site access for vehicles and primary and secondary street frontages are required to help clarify the intent of the standards so that no new vehicle access will be permitted on a site that has an identified primary street frontage. It is considered that Standard 7.6.1.7.14 is confusing; by amending Standards 7.6.1.7.11 and 7.6.1.7.13 to clarify their intent, Standard 7.6.1.7.14 becomes superfluous.

**Submission 31** also requests that as a result of the changes to Standards 7.6.1.7.11, 7.6.1.7.13 and 7.6.1.7.14, that Standard 7.6.2.6.7, relating to vehicle oriented uses along primary frontages, be deleted. This would also subsequently render the definition of 'vehicle oriented uses' superfluous. This submission is supported by **further submissions 11 and 13**.

Further to the above **Submission 103** has also opposed Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages, and requests that it be deleted. The submission asserts that the principle of restricting vehicle oriented uses on all major roads within Centres (if that is the intention) is fundamentally contrary to section 5 of the RMA, by making it difficult for an extensive range of retail activities, including drive through restaurants, to establish within Centres. It is therefore contrary to the principle of enabling communities to provide for their economic wellbeing, and contrary to the stated objective of strengthening retailing in Centres zones. This submission is supported by **further submission 13**.

With regard to **submission 31** and related **submissions 103 and 117** it is recommended that the subject provisions be clarified and that **submission 31** be accepted. Insofar as this recommendation addresses submission 117 and deletes Standard 7.6.2.6.7 it is also recommended that **submissions 117 and 103** be accepted.

**Submission 108** opposes access standards 7.6.1.7.11, 7.6.1.7.13, 7.6.1.7.14, 7.6.1.7.15, 7.6.1.7.16 and 7.6.1.7.17, relating to site access. The submission asserts that these standards are unrealistic in respect of supermarkets. Access to an anchor store (given their particular role within centres) may be appropriate from both primary and secondary frontages, and often particularly along Secondary Frontages. The submission asserts that one access per frontage often may not be adequate, particularly if there are dedicated access- and egress-ways. This submission is supported by **further submissions 2 and 11** with regard to Standards 7.6.1.7.11, 7.6.1.7.13, 7.6.1.7.14, 7.6.1.7.15 and 7.6.1.7.16. **Submission 108** is opposed in part by **further submission 118** with regard to Standards 7.6.1.7.13, 7.6.1.7.14 and 7.6.1.7.16.

**Submission 26** seeks that Standard 7.6.1.11, relating to site access for vehicles do not apply to service stations located on a Secondary Street Frontage. The submission asserts that while the Proposed Plan Change permits a wide range of activities in Centres as of right (subject to compliance with standards), it then places severe constraints on the ability of a service station to meet these standards. The location or redevelopment of a service station could be denied by an inability to meet standards that are impractical for any service station to achieve. Service stations by their nature require a large land area relative to building footprint and significant and safe vehicle manoeuvring space between the road frontage and the building. In addition, for reasons of access, service stations are often most appropriately located on a corner site.

**Submissions 13 and 14** also oppose Standards 7.6.1.7.11, 7.6.1.7.13 and 7.6.1.7.14, relating to site access for vehicles and amended wording has been requested.

**Submissions 13 and 14** seek that existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals are recognised for

key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14). The submissions request that existing accesses on primary and secondary street frontages are recognised and can remain, including with minor alterations; and thus suggest alternative wording to Standards 7.6.1.7.11 and 7.6.1.7.14, as follows:

7.6.1.7.11 *“No new vehicle access is permitted at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies. Existing vehicle access on Primary and Secondary Frontages (as at 29 September 2009) are recognised and can be retained as part of any redevelopment plans for specific sites.”*

7.6.1.7.14 *“No new vehicle access shall be provided to a primary frontage on a site that also has a frontage to a secondary street frontage. Existing vehicle accesses on Primary and Secondary Street Frontages (as at 29 September 2009) are recognised and can be retained as part of any redevelopment plans for specific sites.”*

**Further submission 1** supports submission 13 with regard to Standards 7.6.1.7.1, 7.6.1.7.11 and 7.6.1.7.14, and submission 14 with regard to Standards 7.6.1.7.11 and 7.6.1.7.14.

The access standards are in the main longstanding provisions that have been carried over from the operative plan and they also generally mirror the standards for the Central Area.

While it is acknowledged that there will always be development situations where particular standards may not be entirely appropriate it is considered that they are reasonable and workable.

It is important to note that none of the standards are absolute and for special cases dispensations or waivers may be considered under the Discretionary Activity (Restricted) provisions. This approach is considered preferable to attempting to amend or refine the standards for particular types of activities.

It is therefore recommended that subject to the amendments recommended under **submission 31** the standards be retained and **submissions 13, 14, 26 and 108** be rejected.

**Submission 117** supports Standards 7.6.1.7.7 through to 7.6.1.7.12, and Standards 34.6.1.7.7 to 34.6.1.7.12 which sets out the requirements for vehicle access to sites. This submission is opposed by **further submission 2**. The support of **submission 117** is noted and it is recommended that the submission be accepted.

**Submission 117** requests that Standards 7.6.1.7.13 and 34.6.1.7.9 be amended by restricting access to State Highways to help ensure the safety and efficiency of the state highway network is maintained. **Further submissions 2 and 11** oppose submission 117 with regard to Standard 7.6.1.7.13.

It is considered that it would be helpful to make reference to restrictions to State Highways and it is therefore recommended that the submission be accepted and that the following words be added at the end of Standards 7.6.1.7.13 and 34.6.1.7.9:

*“unless one of the frontages is to a State highway, in which case no access shall be to the State highway.”*

**Submission 117** also requests that under 34.6.1.7 (Vehicle parking, servicing and Site Access) a new activity standard that states:

*“No access shall be permitted to a site across any restricted road frontage identified on District Plan Maps 43-46.”*

There appears to be some confusion with this submission which relates to Business Areas as the reference to District Plan Maps 43-46 relates to properties in Centre zones.

If the intention of the submission is to control access to properties in Business Areas fronting State highways then it is considered that this is covered by the proposed additional wording to Standard 34.6.1.7.9 (see submission above).

Accordingly it is recommended that this submission be rejected.

### Recommendations

- **Accept** submission 31 insofar as it requests the amendment of Standards 7.6.1.11 and 7.6.1.13 relating to street frontages and vehicle accesses to clarify their intent and the provision be amended as follows:
  - 7.6.1.7.11 *“No new vehicle access is permitted at the front of sites to which standard 7.6.2.6 (Primary and Secondary Street Frontages) applies to a site across a primary frontage, as identified on Planning Maps 43 to 49A.”*
  - 7.6.1.7.13 *“Subject to Standard 7.6.1.7.11, there shall be a maximum of one vehicle access to any site except for sites that have more than one frontage. In such cases, a site may have one access across each frontage.”*
- **Accept** submission 31 insofar as it requests the deletion of Standard 7.6.7.1.14 relating to access to primary frontages.
- **Accept** submission 31 insofar as it requests the deletion of Standard 7.6.2.6.7, relating to restrictions on vehicle oriented uses along primary street frontages, and the definition of ‘vehicle oriented uses’.
- **Accept** submission 103 insofar as it requests deletion of Standard 7.6.2.6.7 relating to the restriction of vehicle oriented uses located along primary frontages.
- **Reject** submission 108 insofar as it requests deletion of Standards 7.6.1.7.11, 7.6.1.7.13, and 7.6.1.7.14, 7.6.1.7.15 and 7.6.1.7.16 relating to site servicing and site access for vehicles.
- **Reject** submission 26 insofar as it requests that Standards 7.6.1.7.5, 7.6.1.7.9 and 7.6.1.11, relating to vehicle parking, site servicing and loading, and site access for vehicles, respectively, do not apply to service stations located on a Secondary Street Frontage.
- **Reject** submissions 13 and 14 insofar as they request the recognition of existing vehicle accesses on Primary and Secondary Frontages within any future redevelopment proposals for key sites within Johnsonville and Kilbirnie Centres (Standards 7.6.1.7.11 and 7.6.1.7.14).
- **Accept** submission 117 insofar as it supports Standards 7.6.1.7.7 through to 7.6.1.7.12, which sets out the requirements for vehicle access to sites.
- **Accept** submission 117 insofar as it supports Standards 34.6.1.7.7 to 34.6.1.7.12.
- **Accept** submission 117 insofar as it requests that Standards 7.6.1.7.13 and 34.6.1.7.9 be amended by making reference to restrictions to State Highways by adding the following words at the end of Standards 7.6.1.7.13 and 34.6.1.7.9:

*“unless one of the frontages is to a State highway, in which case no access shall be to the State highway.”*

- **Reject** submission 117 requesting the inclusion of a new Standard in 34.6.1.7 restricting access to properties identified on District Plan Maps 43-46.

## **4.15 Noise**

A number of submissions have been received relating to noise issues, ranging from definitions to specific standards regarding noise levels in both Centres and Business Areas. These are discussed further below.

### **4.15.1 General**

#### Submissions

Specific issues raised in submissions include:

- Supports objectives and methods which reduce noise levels in all areas (**Submission 118**).
- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to:
  - provide guidance on the best practical option on dealing with construction noise; and
  - clarify that controls are placed on the upper level of noise able to be generated by existing speakers; and
  - applications to install new speakers will be assessed as non-complying activities; and
  - provide guidance on what Council will consider when assessing applications to exceed noise standards in the District Plan (**Submission 31**).
- Withdraw all references to “Leq” and associated nomenclature and replace with “L10” in a manner consistent with the Operative District Plan (**Submission 102**).
- Delete Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise as there are no Centres within the Port Noise Control Line shown on Planning Map 55 (**Submission 31**).
- Amend Rules 7.3.5.14 and 34.3.4.14 to delete the level of discretion provided for in the rule (**Submission 31**).
- Include within the S32 report the option to undertake a full review of District Plan noise matters in a subsequent district wide review (**Submission 102**).
- Minor correction to Standards 7.6.1.3.1 and 34.6.1.3.1, relating to electronic sound systems noise, to change unit of measurement from L10 to Leq, and other minor amendments to ensure consistency with other standards. Standards 7.6.1.3.1 and 34.6.1.3.1 to read as follows:

*“xx.6.1.3.1 ~~The Noise Emission Levels in Centres~~ in any public space (including streets and parks) generated by electronic sound systems shall not exceed 75dBA L<sub>10</sub><sub>Aeq</sub> when measured over any 2 minute period...” (**Submission 31**).*

- Amend noise standards of Standard 7.6.1 to reflect the relevant updated NZ Standards which provide the appropriate balance between enabling activities and ensuring a reasonable level of amenity (**Submission 64**).
- Support the new noise provisions, including the use of the LAeq (15 min) indicator and the inclusion of 7-day limits (i.e. Monday to Sundays, in Standards 7.6.1.1, 7.6.1.2 and 34.6.1.1.1, as opposed to the old provisions which applied the night time limits for the full day on Sunday) (**Submission 108**).
- That the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code (**Submission 122**).
- Amend the reference at 7.3.5.14 to refer to 7.6.1.2 rather than 7.6.2.1 (**Submission 108**).
- Noise of ‘revving’ engines through the night should be acknowledged within the District Plan (**Submission 9**).
- Submission seeks clarification on the noise implications between 7pm and 7am to their property at 53/55 Hanson Street, Mt Cook (**Submission 100**).
- Confirm that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Kilbirnie Centre (Standard 7.6.1.1.5) (**Submission 13**).
- Confirm that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Johnsonville Centre (Standard 7.6.1.1.5) (**Submission 14**).
- Amend 6th paragraph, third sentence on page 33/2 (provision 33.1) to include reference to Residential Areas being affected by noise from port activities (**Submission 22**).
- Delete Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, to ensure consistency with other chapters of the operative District Plan (**Submission 31**).

### Discussion

The support of **submission 118** relating to the objectives and methods which reduce noise levels in all areas should be accepted.

The support of **submission 108** in the use of the new noise provisions, including the use of the LAeq (15 min) indicator and the inclusion of 7-day limits, should also be accepted.

**Submission 31** requests additional policy guidance in Chapters 6 and 33 for dealing with fixed plant noise, construction noise and electronic sound systems noise. Additional policy guidance is also required for dealing with resource consent applications that exceed noise standards and for activities within the Port Noise Area and the Air Noise Boundary. By including additional policy guidance the chapters will then also be consistent with the Central Area policies introduced as part of DPC48. It is therefore considered appropriate to accept this submission.

**Submission 102** requests the inclusion within the S32 report the option to undertake a full review of District Plan noise matters in a subsequent district wide review, and that all references to “Leq” and associated nomenclature be withdrawn

and replaced with “L10” in a manner consistent with the Operative District Plan. However, advice from Council’s Noise Officers is that Leq is now the recognised way of measuring noise. Although DPC72 and 73 will be inconsistent with some other parts of the Plan, it is anticipated that the remaining chapters of the Plan will be updated to Leq in the comprehensive review of the Plan, which is anticipated will be commenced in 2011.

**Submission 31** seeks that Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise be deleted as there are no Centres within the Port Noise Control Line shown on Planning Map 55. This submission should be accepted to clarify any confusion.

**Submission 31** also seeks that Rules 7.3.5.14 and 34.3.4.14 be amended to delete the level of discretion provided for in the rule. This submission should be accepted, as it is inappropriate to have a level of discretion in a rule in a district plan.

**Submissions 31 and 64** request a minor correction to change the unit of measurement in Standard 7.6.1, specifically 7.6.1.3.1, and also 34.6.1.3.1 from L<sub>10</sub> to L<sub>eq</sub>, and other minor amendments. It is considered appropriate to accept these submissions to ensure consistency with other standards and to reflect the relevant updated New Zealand Standards.

**Submission 64** also requests a number of other amendments to the noise standards of 7.6.1 including:

- Under Standard 7.6.1.1.1 delete “60” and replace with “65” and delete “At all times 85dB L<sub>Fmax</sub>”.

The 60 dBA L<sub>Aeq(15mins)</sub> has been retained from the original Suburban Centre rule of 60 dBA L<sub>10</sub>. This standard is consistent with the Central Area rules for a mixed use consisting of noise sensitive and non-noise sensitive activities. A standard of 65 dBA Leq (15 mins) has been adopted in DPC73 for Business 2 Areas only, which reflects the purely commercial and industrial higher noise nature of these areas which presumes against the introduction of noise sensitive uses.

- Under Standards 7.6.1.1.5 replace the noise limits with the upper recommended guideline noise limits as set out in NZS6802:2008 section 8.6.2 Table 3.

The guidance for residential upper limits in the standard are not considered to represent a reasonable residential area daytime noise level. These noise levels in the standard are recommended for consideration as upper limits and it is further advised that Authorities may set more stringent limits based on ambient sound levels. Substantial Council measurements and consultant’s reports for resource consents over the past few years have found that ambient levels provide evidence that a reasonable daytime limit should be 5 dBA Leq(15 mins) lower than these upper limits and are equally applicable in both Outer and Inner Residential Areas.

- Under Standard 7.6.1.2.4 add after the word “purposes” the phrase “and associated maintenance” and delete the phrase “(ii) can comply with standard 7.6.1.1.1 and 7.6.1.1.5”.

Emergency generators are usually maintained with a regular but short test operation. This is the subject of complaint from time to time and it is still appropriate to apply a noise level standard to control these effects. To reflect the more intermittent nature of this maintenance operation, an allowance of 5 dBA has been given compared with the standard for fixed plant which may operate more continuously.

**Submission 122** requests that the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code. The key objective of Clause G6 of the New Zealand Building Code

(Airborne and Impact Sound) is to safeguard people from illness or loss of amenity as a result of undue noise being transmitted between abutting occupancies. It is noted that Clause G6 is still in the process of an extensive revision. Clause G6 is yet to provide external sound insulation for buildings, therefore it is not recommended to adopt the current Clause G6.

The minor amendment requested by **submission 108** to correct a typo relating to Rule 7.3.5.14 should be accepted.

**Submission 9** requests that the noise of ‘revving’ engines through the night should be acknowledged within the District Plan. Traffic noise including noise from engines and exhausts from vehicles driven on the road is not controlled through rules in the District Plan and alternative actions will have to be initiated to avoid, remedy or mitigate intrusions from this source.

**Submission 100** seeks clarification on the noise implications between 7pm and 7am on their property at 53/55 Hanson Street, Mt Cook. The submission raises concerns regarding the increased noise that may result to their residential property as a result of the proposed Plan Change. The submissions have already had ongoing issues with waste management companies collecting rubbish at 3 or 4am.

Council’s Waste Management Bylaw requires that refuse is not collected between 10 pm and 7 am in the Residential and Suburban Centre Areas. Changes to DPC 73 are not proposed to further restrict night-time servicing activities, such as refuse collection and street cleaning that are necessary for non-residential areas of the city to function effectively. These activities often cannot be carried out during the day due to traffic restrictions. However, operators must still take the best practicable option to reduce noise to a reasonable level.

The subject site is currently zoned Suburban Centre and is proposed to be rezoned to Centres. The concerns raised in the submission are acknowledged. The implications of DPC73 on the subject site are that there is potential for intensified development along Adelaide Road, with proposed permitted building height increases along different parts of Adelaide Road. The noise provisions have not changed markedly from the operative to the proposed Plan Change. However, higher standards of noise controls that have been applied to the Central Area have been replicated in DPC 73 to protect amenity standards for new and existing residential activities in Centres.

It is also noted that a resource consent application for a new supermarket has been received for the John Street intersection, which is near the submission’s property. The proposed Plan Change does not provide for residential amenity levels for existing residential properties located within the Centre zoned areas to be comparable to that provided for in residentially zoned areas. However, plant noise level requirements have been lowered and the “best practicable option” requirement to reduce noise levels to a reasonable level has been taken by the supermarket applicant to protect local residential properties.

**Submissions 13 and 14**, respectively, seek confirmation that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Kilbirnie and Johnsonville Centres (Standard 7.6.1.1.5). It is consistent for Inner Residential Areas to act as a buffer zone between the higher noise areas, which contain commercial activities, and the Outer Residential Areas. Therefore, it is appropriate for the Inner Residential noise standards to apply to Areas of Change and these submissions are accepted.

**Submission 22** seeks that the 6th paragraph, third sentence on page 33/2 (provision 33.1) be amended to include reference to Residential Areas being affected by noise from port activities. Officers consider it appropriate to include this reference for reasons of clarity and therefore recommend accepting this submission.

**Submission 31** seeks that Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, be deleted to ensure consistency with other chapters of the operative District Plan.

The operative District Plan references NZS 6803:1984 for the assessment of construction noise. This Standard was updated by NZS 6803:1999. Advice from Council's Noise Officers is that the new 1999 Standard has become more commonly accepted as the better standard, as it introduced night time noise limits and extended guidance about predicting noise from construction activities, mitigation and noise management plans. The revision has also changed the noise descriptors to LEQ and L90, which are consistent with the same changes required for the descriptor changes introduced by NZS 6801 and 6802:2008.

It is noted, however, that there is a major omission from the new Standard that allows the Council to exempt noisy construction work that does not comply with the upper guideline noise limits. The current standard allows this exemption process which means that short term construction work on the roads can be carried out when traffic flows are lower in the evenings. Without this exemption process, considerable road works and other construction work would require a resource consent. There may be notification issues this would have serious consequences for the industry.

It is inappropriate however to include an exemption allowance in either a rule or a standard in a district plan, whereby at the discretion of Council construction work (that can only be carried out at night but exceeds levels specified in the standard) can be permitted provided the Best Practicable option is adopted to reduce noise to a reasonable level. Therefore, whilst not ideal, it is recommended to retain the operative District Plan provisions relating to construction noise, which refer to NZS 6803:1984.

In addition, as construction noise applies to all zones, it would be better dealt with across the entire city. This issue may be further addressed as part of the comprehensive plan review that is expected to commence in 2011. It is therefore recommended that this submission to delete the construction noise standards, be accepted.

#### Recommendation

- **Accept** submission 118 insofar as it supports objectives and methods which reduce noise levels in all areas.
- **Accept** submission 31 insofar as it requests additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to:
  - provide guidance on the best practical option on dealing with construction noise; and
  - clarify that controls are placed on the upper level of noise able to be generated by existing speakers; and
  - applications to install new speakers will be assessed as non-complying activities; and
  - provide guidance on what Council will consider when assessing applications to exceed noise standards in the District Plan.
- **Reject** submission 102 insofar as it requests that all references to “Leq” and associated nomenclature be withdrawn and replaced with “L10” in a manner consistent with the Operative District Plan.
- **Accept** submission 31 insofar as it requests the deletion of Rule 7.3.7.9 and Standard 7.6.1.6 Port Noise as there are no Centres within the Port Noise Control Line shown on Planning Map 55.

- **Accept** submission 31 insofar as it requests amending Rules 7.3.5.14 and 34.3.4.14 to delete the level of discretion provided for in the rule.
- **Accept** submission 31 insofar as it requests a minor correction to Standards 7.6.1.3.1 and 34.6.1.3.1, relating to electronic sound systems noise, to change unit of measurement from L10 to Leq, and other minor amendments to ensure consistency with other standards.
- **Reject** submission 64 insofar as it requests amendments to the noise standards as required to make reference to the relevant updated NZ Standards.
- **Reject** submission 64 insofar as it requests amendments to noise standards 7.6.1.1.1, 7.6.1.1.5 and 7.6.1.2.4.
- **Accept** submission 108 insofar as it supports the new noise provisions, including the use of the LAeq (15 min) indicator and the inclusion of 7-day limits (i.e. Monday to Sundays, in Standards 7.6.1.1, 7.6.1.2 and 34.6.1.1.1, as opposed to the old provisions which applied the night time limits for the full day on Sunday).
- **Reject** submission 122 insofar as it requests that the requirements of 7.6.2.8 be totally re-expressed, solely in terms of the performance-based requirements of clause G6 of the NZ Building Code.
- **Accept** submission 108 insofar as it requests that the reference at 7.3.5.14 be amended to refer to 7.6.1.2 rather than 7.6.2.1.
- **Reject** submission 9 insofar as it requests that the noise of ‘revving’ engines through the night should be acknowledged within the District Plan.
- **Reject** submission 100 insofar as that it opposes the provisions relating to noise that relates to the property at 53/55 Hanson Street, Mt Cook.
- **Accept** submission 13 insofar as it requests confirmation that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Kilbirnie Centre (Standard 7.6.1.1.5).
- **Accept** submission 14 insofar as it requests confirmation that the ‘Inner Residential Area’ noise controls apply to the identified ‘Areas of Change’ surrounding Johnsonville Centre (Standard 7.6.1.1.5).
- **Accept** submission 22 insofar as it requests amending the 6th paragraph, third sentence on page 33/2 (provision 33.1) to include reference to Residential Areas being affected by noise from port activities.
- **Accept** submission 31 insofar as it requests the deletion of Standards 7.6.1.5 and 34.6.1.5, relating to construction noise, to ensure consistency with other chapters of the operative District Plan.

#### **4.15.2 Definitions**

##### Submissions

Specific issues raised in submissions include:

- Supports definition of ‘noise’ (particularly the exclusion of vehicles driven on the road) (**submission 117**).
- Amend the definition of ‘noise emission level’ to reference NZS 6801: 2008 “Acoustics - Measurement of Environmental Sound” and NZS 6802: 2008 “Acoustics - Environmental Noise” rather than just the previous 1991 New

Zealand standards. The definition is also required to be amended to delete the reference to the L10 measurements. It is also noted that existing use rights will be continued for activities lawfully established before the Plan was notified (**Submission 31**).

- Amend the definition of 'Noise Emission Level' (as it applies to Centres and Business Areas) to reference the new standard NZS 6802:2008 Acoustics - Environmental Noise (**Submission 108**).

#### Discussion

The support of **submission 117** should be accepted.

The definition of 'noise emission level' is required to be updated to refer to the appropriate/relevant New Zealand standards for dealing with noise, and to correct a couple of minor errors carried over from the operative District Plan. For this reason, **submissions 31 and 108** relating to the definition of 'noise emission level' should be accepted.

#### Recommendation

- **Accept** submission 117 insofar as it supports the definition of 'noise' (particularly the exclusion of vehicles driven on the road).
- **Accept** submissions 31 and 108 insofar as they seek the amendment of the definition of 'noise emission level' (as it applies to Centres and Business Areas) to reference the new standard NZS 6802:2008 Acoustics - Environmental Noise.

### **4.15.3 Fixed plant noise**

#### Submissions

Specific issues raised in submissions include:

- Delete Standards 7.6.1.2 and 34.6.1.2, relating to fixed plant noise, in their entirety (**Submission 103**)
- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas (**Submission 31**).
- Minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards (**Submission 31**).

#### Discussion

**Submission 103** requests that the Council delete Standards 7.6.1.2 and 34.6.1.2, relating to fixed plant noise, in their entirety. **Further submission 2** supports this submission.

DPC 73 has introduced noise standards for fixed plant in both Centres and Business Areas. Fixed plant is generally defined as any mechanical or building services equipment that is permanently built into a building, including ventilation, extraction

units, heating systems, boilers, lifts etc. Because fixed plant operates reasonably continuously it tends to contribute to ambient, 'background' noise levels, rather than being a source of sporadic noise

Council has identified that plant noise is a contributing factor in 'noise creep' within some of the Centres and Business Areas. Noise creep occurs where numerous sources of noise combine to gradually increase the background, ambient noise levels in these areas. Noise creep will become more of an issue as greater numbers of people choose to live within the City's Centres and Business 1 Areas.

In managing noise in Centres and Business Areas the Council must try and achieve a balance between facilitating a full range of Centres activities, whilst also providing reasonable levels of amenity for inner city residents.

In preparing DPC 73 the Council noted that (in managing residential noise levels in the Centres and Business 1 Areas) the onus was on the residential uses (and other noise sensitive activities) to insulate themselves from external noise sources. This approach is consistent with Plan Change 23 (introduced in 2003) which introduced noise insulation and ventilation standards for noise sensitive activities in the Suburban Centres.

However, it is considered that the District Plan should not rely solely on the insulation of noise sensitive activities to manage noise in the Centres and Business Areas. This is because:

- i) There are anticipated to be a growing number of noise sensitive activities within Centres and Business 1 Areas as the City's population continues to grow. Some of these will inhabit buildings that were established prior to Plan Change 23, and which have little if any noise insulation.
- ii) Plan Change 23 only required provision of mechanical ventilation to bedrooms and did not require provision of ventilation to the living rooms of new apartments. Many apartments need to open windows and exterior doors in order to ventilate the living rooms, exposing them to external noise.

As a rule the officers consider that fixed plant noise should be 5dBA  $L_{Aeq}$  lower than the general activity noise standard to minimise creeping ambient noise levels. This 5 dBA  $L_{Aeq}$  difference is currently imposed in residential and rural areas of the city, as well as in the Central Area. There is no reason for different rules to be applied for the Suburban Centres and Business Areas compared with those that have been considered necessary for the Central Area.

**Submission 31** seeks that additional new explanatory text be inserted under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas. It is recommended to accept this submission to be consistent with the policy guidance given under DPC48 and DPC72.

**Submission 31** also seeks a minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards. It is recommended that this submission be accepted, as it is sound practise to provide clarity to the rules.

### Recommendation

- **Reject** submission 103 insofar as it requests deletion of Standards 7.6.1.2 and 34.6.1.2 relating to fixed plant noise.

- **Accept** submission 31 insofar as it requests additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to clarify that stricter standards will apply to fixed plant than to other sources of noise within Centres and Business Areas.
- **Accept** submission 31 insofar as it requests a minor wording change to Standards 7.6.1.2.4, 7.6.2.7.4, 34.6.1.2.5 and 34.6.2.7.5 to clarify compliance requirements of standards.

#### **4.15.4 Noise insulation and ventilation**

##### Submissions

Specific issues raised in submissions include:

##### *General*

- Amend the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1 (**Submission 117**).
- New policy be added underneath Objective 33.2.2 referring to noise insulation and the state highway network (**Submission 117**).
- Amend Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway (**Submission 117**).
- Confirm that mechanical ventilation is only required for habitable rooms without openable windows (Standard 7.6.2.8.2) (**Submissions 13 and 14**).
- Adopt Standard 34.6.2.8, relating to noise insulation and ventilation, as proposed (**Submission 103**).
- Include additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to provide guidance on what Council will consider when assessing applications that do not meet the provisions relating to noise insulation and ventilation (**Submission 31**).
- Minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC48 and DPC72 (**Submission 31**).

##### *Noise Insulation within the Airport Noise Boundary (ANB)*

- Include a new Building and Structure Standard for the Business Areas that outlines the insulation requirements for buildings and structures housing noise sensitive activities within the ANB (**Submission 42**).
- Include comment and an appropriate standard within the Business Area on noise insulation standards for residential construction within the ANB (**Submission 42**).
- Amend Rules 34.1.1 and 34.4.1 to address noise insulation requirements for noise sensitive activities in Business Areas (**Submission 42**).
- Provide more effective noise insulation standards for all noise sensitive activities in Business 1 and 2 Areas inside the ANB (**Submission 41**).

- Standardise noise insulation standards to ensure consistency across all zones within the city (**Submission 41**).

*Discussion - General*

**Submission 117** requests that the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 be amended by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1. The submission also requests that a new policy be added underneath Objective 33.2.2 requiring that noise sensitive activities be insulated from noise from the State highway network. **Further submission 12** supports this submission. **Submission 117** also requests that Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation be amended by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway.

Whilst Officers recognise that the state highway network is the key transport corridor through the city, Officers do not support the request for additional acoustic protection for noise sensitive activities from traffic on State highway 1. Rather than add a new policy, Officers consider it appropriate to include some explanatory text underneath Policies 33.2.2.9 – 33.2.2.13, like what is suggested for Policies 6.2.2.4 – 6.2.2.6 above that maintains the amenity of noise sensitive activities while also facilitating the ongoing operation of the state highway network.

While officers acknowledge the potential for reverse sensitivity issues to arise as a result of noise generated by the state highway network, they do not support a rule requiring acoustic insulation of all buildings within 100 metres of the state highway. In the past the Council has applied noise insulation standards to properties within close proximity to Wellington International Airport and on sites close to port land. However on both occasions the requirement was only implemented following detailed analyses of the existing noise environment. This ensured that the insulation standards were only applied to those properties that were subject to elevated noise levels. Noise levels can be influenced by a wide range of factors including topography, vegetation, location of existing buildings and structures, and also existing noise sources in the area. With this in mind officers consider that it would be poor planning practise to apply a noise insulation standard based on a somewhat arbitrary figure of 100 metres. Such a standard should only be considered for inclusion in the plan following detailed analysis of which properties are actually subject to significant levels of road noise generated by the state highway network.

**Submissions 13 and 14** seek confirmation that mechanical ventilation is only required for habitable rooms without openable windows (Standard 7.6.2.8.2). **Further submission 12** opposes these submissions. The requirement for ventilation serves two purposes: for both noise mitigation, and the provision of ventilation. This is particularly important for those habitable rooms with openable windows, which would be subject to unhealthy levels of noise if windows are required to be opened for ventilation purposes. For this reason, it is recommended that the ventilation requirements in Standard 7.6.2.8.2 remain as drafted, and that **Submissions 13 and 14** are rejected.

**Submission 103** requests that Standard 34.6.2.8, relating to noise insulation and ventilation, be adopted as proposed. This submission should be accepted.

**Submission 31** seeks that additional new explanatory text be inserted under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 for dealing with resource consent applications that exceed noise standards and for activities within the Port Noise Area and the Air Noise Boundary. **Further submission 12** supports this

submission. It is recommended to accept this submission to be consistent with the policy guidance given under DPC48 and DPC72.

**Submission 31** also seeks a minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC48 and DPC72. Again, to ensure consistency with the rest of the Plan, it is recommended that these submissions be accepted.

### Recommendation

- **Accept** submission 117 insofar as it seeks that the explanatory text for Policies 6.2.2.4 through to 6.2.2.6 be amended by outlining the need for additional acoustic protection for noise sensitive activities from traffic on State highway 1.
- **Reject** submission 117 insofar as it seeks that a new policy be added underneath Objective 33.2.2 referring to noise insulation and the state highway network.
- **Reject** submission 117 insofar as it seeks that Standards 7.6.2.8 (Centres) and 34.6.2.8 (Business Areas) relating to noise insulation be amended by requiring all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway.
- **Reject** submissions 13 and 14 insofar as they seek confirmation that mechanical ventilation is only required for habitable rooms without openable windows.
- **Accept** submission 103 insofar as it seeks the adoption of Standard 34.6.2.8, relating to noise insulation and ventilation, as proposed.
- **Accept** submission 31 insofar as it seeks additional new explanatory text under policies 6.2.2.4 – 6.2.2.6 and policies 33.2.2.9 – 33.2.2.13 to provide guidance on what Council will consider when assessing applications that do not meet the provisions relating to noise insulation and ventilation.
- **Accept** submission 31 insofar as it requests a minor change to Standards 7.6.2.8.1, 34.6.2.8.1 and 36.6.2.9.1 to ensure consistency with DPC48 and DPC72.

### Discussion - Noise Insulation within the Airport Noise Boundary (ANB)

Submissions on noise insulation within the ANB broadly cover areas set out below:

#### *1. Definition of 'noise sensitive activity' and 'habitable room'*

**Submissions 41 and 42** request that the definition of 'noise sensitive activity' be widened to include schools and other learning facilities, hospitals and other caring facilities such as hospice. To ensure ventilation is covered, they also request amending the definition of 'habitable room' to capture classrooms used for teaching purposes or a sleeping room associated with an early childhood centre. These requests follow on from the recommendation in the LUMINs report which notes that schools and pre-schools are noise sensitive activities, and given their location within the ANB should be insulated.

While the general outcomes in the submissions and the LUMINs report are supported, further consideration is needed to determine whether regulation (via a

District Plan rule) is necessary or the most appropriate method of achieving these outcomes.

The definition of 'noise sensitive activity' has citywide application. To this effect, the incorporation of educational activities and hospital into the definition will capture a significant amount of activities throughout the city, particularly in the Central Area and commercial areas in the City.

This same issue was raised in the deliberations on DPC 16 and DPC 23 (inner city noise insulation) - whereby the definition of 'noise sensitive activities' was specifically amended to remove educational and hospital activities due to:

*...concerns that the application of the rule to these activities may lead to compliance and interpretation problems in the future. It is considered that the rule should target activities affected by night time noise or activities associated with sleep deprivation and not educational activities that could operate in environments akin to an office building. Additionally, activities such as hospital recovery are likely to be self regulated and occur very infrequently within the Central Area.*

*Early childhood centres are the only educational activities that have specific requirements for sleep and support for retaining this in the definition has been provided by CentrePort and the Ministry of Education. For this reason it is proposed to retain early childhood centres in the definition of noise sensitive activities<sup>2</sup>.*

### Recommendations

- Reject submissions seeking to widen the definition of 'noise sensitive activity' to include educational and hospital activities.
- Reject submissions seeking to amend the definition of habitable room to capture ventilation for classrooms.

### *2. Appropriate noise insulation rule and performance standard*

**Submissions 41 and 42** request that the existing rule and performance standard for insulating buildings within the ANB, be replaced with the approach used elsewhere in the District Plan to mitigate the effects of high noise environments. This is opposed in a further submission by **Further Submission 17** on the basis that this standard is not the norm for airports in New Zealand and that there is danger it might be considered the standard for retrofitted insulation.

To recap – within the ANB insulation is required only for new residential dwellings. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve an internal level of 45 dBA  $L_{dn}$  with doors and windows closed. No ventilation of habitable rooms is required.

Outside of the ANB under DPC 73 (Centres and Business Areas) and DPC 48 (Central Area), insulation is required for new buildings with noise sensitive activities. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve a particular noise reduction level – 30 ( $D_n T_{w} + C_{tr}$ ) for generally noisy areas or 35 ( $D_n T_{w} + C_{tr}$ ) for extremely noisy areas with a noise contour greater than  $L_{dn}$  65dB. The performance standard also requires ventilation in habitable rooms to ensure acoustic gains are not lost by opening windows.

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<sup>2</sup> Paper to Built and Natural Environment Committee, Central Area noise insulation rules – renotification of DPC 16.

There is also a small section of residential area outside the ANB but within the Port Noise Boundary – where the new residential dwellings require insulation and ventilation according to the new performance standard of  $30 D_n T_{,w} + C_{tr}$ .

The request by **submissions 41 and 42** is to ensure insulation is applied consistently to ‘noise sensitive activities’ (as opposed to residential dwellings) and to amend DPC 72 and DPC73 to ensure the performance standard is consistent with the approach used elsewhere in the Plan. That is  $30 (D_n T_{,w} + C_{tr})$  or  $35 (D_n T_{,w} + C_{tr})$  for extremely noisy areas with a noise contour greater than  $L_{dn} 65dB$ . These changes are considered to have merit for the following reasons:

- There is significant precedent elsewhere in the District Plan – consistent use of ‘noise sensitive activity’ and aligning performance standards provides an opportunity to ensure consistency throughout the plan
- The approach has been proven to be highly effective in mitigating the adverse effects of noise and is adaptable to different noise environments, including airport noise
- The approach successfully deals with ventilation without losing acoustic gains achieved by insulation
- The approach is easy to administer
- The approach is well understood by the development sector and easy to implement for in new development projects
- The approach is considered to be an example of best practice in New Zealand and has been incorporated into several other District Plans and the review of the Building Act
- The approach is consistent with the recommendations of the LUMINs report.

#### Recommendations

- Accept submissions seeking to ensure insulation and ventilation requirements apply to noise sensitive activities (as opposed to residential dwellings only)
- Accept submissions seeking to amend the existing noise insulation rules and performance standards within the ANB to be consistent with the approach used to insulate  $(D_n T_{,w} + C_{tr})$  and ventilate elsewhere in the city.

#### *3. Additional assessment/policy guidance for insulation in Business Areas*

**Submission 42** requests additional assessment/guidance for noise insulation of buildings housing noise sensitive activities (under Rule 34.4.8) to be included in Business Areas within the ANB to clearly identify the expectations around insulation in these areas.

The submission has correctly identified a policy gap which requires further explanation. It is proposed to do this in the noise policies section under Objective 33.2.2.

#### Recommendation

- Accept Submission 42 insofar as it seeks to provide clarity on the expectations for noise insulation when applying Rule 34.4.8.

#### *4. Additional building and structure standard*

**Submission 42** requests that an additional Building and Structure Standard be included in the standards section to outline the insulation requirements for buildings and structures housing noise sensitive activities within the ANB.

The submission has correctly identified a gap in the standards section which requires addressing. A new standard *34.6.2.10 Noise Insulation: Airport Area* is required to be inserted into this section of the District Plan.

#### Recommendation

- Accept Submission 42 insofar as it seeks to outline the insulation requirements for buildings and structures housing noise sensitive activities within the ANB.

### **4.16 Rezoning**

In total, 42 submissions were received relating to proposed rezonings of specific sites including in Crofton Downs, Karori, Miramar, Newtown, Aro Valley, Ngaio, Tawa etc. These are discussed further below.

#### **4.16.1 Aro Valley**

##### Submissions

Specific issues raised in submissions include:

- Requests that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site) rather than expansion of the Suburban Centre (**Submission 93**).
- Seeks the rezoning of the properties located at 68-82 Aro Street (even numbers only) from Inner Residential to Centres (**Submission 105**).

##### Discussion

The sites from 68-82 Aro Street were previously considered for rezoning from Inner Residential to Centres in the draft plan change document, as it was considered that the sites provided good redevelopment potential that could positively contribute to the Aro Valley neighbourhood centre. In the event, the sites were not included in the notified Plan Change.

The owner of the former service station site at 68-70 Aro Street (**Submission 105**) has since made a submission on DPC73 requesting that the sites from 68-82 Aro Street be rezoned to Centres. It is noted that the owners of 76, 80 and 82 Aro Street have made a further submission supporting the request (**further submissions 4, 8 and 10** respectively). The only land owner that has not made a submission or further submission is 72 Aro Street.



68-82 Aro Street, Aro Valley

**Submission 93** requests that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site at 68-82 Aro Street) rather than expansion of the Suburban Centre. **Further submission 3** opposes this submission.

The zoning of the sites from 68-82 Aro Street presents an interesting planning conundrum.

The former service station site (at 68-70 Aro Street) provides good redevelopment potential that could contribute to the Centre. Resource consent was granted for this site in July 2006 for the establishment and operation of a camper van facility. More recently, Council officers have had discussions for an alternative use on site which indicates that the site continues to attract interest for potential redevelopment.

To the west of 68 Aro Street are small-scale residential properties (72-82 Aro Street) which are set back from the road and which contribute to a low streetscape appeal. These sites do however have a strong connection with the neighbourhood centre. For these reasons an Inner Residential zone of the properties from 72-82 Aro Street has some merit. However, to only rezone 68-70 Aro Street to Centres would create an inconsistent and broken retail block and create issues with regard to streetscape and functionality and also bulk and location provisions (building buffer setbacks).

It is considered that a Centres zoning for 68-82 Aro Street also has merit for the following reasons:

- These sites including the former service station site have the potential to be intensified, for commercial or residential uses, which is likely to positively contribute to the existing Aro Valley centre. The former service station site has been granted resource consent for a commercial activity, and a Centres zoning for this site would be appropriate.
- The former service station site is presently unused with a high wire mesh fence around the perimeter of the site, and has low streetscape and amenity appeal. This site is the gateway to the Aro Valley centre from the east,

therefore there is the opportunity to substantially improve the urban design quality of the area.

- Any redevelopment of these sites would require an urban design assessment, which would provide opportunities to improve the existing streetscape of this particular part of Aro Street, and positively improve the urban design outcomes for the area in general.
- The Aro Street Park to the east of the former service station provides a natural buffer between a Centres zoning and the residential properties further to the east. The proposed rezoning could also potentially improve safety in the adjoining park to the east of these sites.
- The maximum permitted building height in the Aro Valley Centre is 9m and the zoning provides for 100% site coverage, whilst the Aro Valley Inner Residential zone provides for a maximum permitted building height of 7.5m and maximum site coverage of 40%. Whilst it is acknowledged that the bulk and location requirements are more lenient for a Centres zoning, it is considered that any adverse environmental effects will be no more than minor given the topography of the land, and the relationship/context of the sites in question with the existing Aro Valley centre and the surrounding residential area.

On balance, given the reasons stated above, it is considered appropriate to rezone 68-82 Aro Street (even numbers only) from Inner Residential to Centre.

#### Recommendation

- **Accept** submission 105 insofar as it seeks the rezoning of the properties located at 68-82 Aro Street (even numbers only) from Inner Residential to Centres.
- **Reject** submission 93 insofar as it requests that the Centres zone be applied to the existing retail area within Aro Valley (excluding the former service station site).

#### **4.16.2 Crofton Downs**

##### Submissions

Specific issues raised in submissions include:

Forty-two submissions (**11, 12, 15, 16, 17, 18, 20, 24, 32, 35, 36, 37, 40, 45, 46, 47, 48, 49, 50, 51, 62, 63, 88, 89, 90, 91, 92, 98, 99, 104, 107, 112, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130**) were received opposing the proposed rezoning of the Mitre 10 garden centre at 4 Thatcher Crescent, Crofton Downs from Outer Residential to Centres. The main issues raised in the submissions included potential increases in noise and traffic; inappropriate zoning particularly as surrounded by residential properties; potential to establish new commercial activity with increased noise and traffic effects; and bulk and location controls to allow for higher permitted building height.

### Discussion

Forty-two submissions were received opposing the proposed rezoning of the garden centres at 4 Thatcher Crescent from Outer Residential to Centres. Officers acknowledge the concerns raised by the submissions, particularly those relating to future redevelopment potential of the land if the zoning was to change, and the impact that more intensive commercial development could have on the surrounding residential neighbours, particularly in terms of potential increased building heights, 100% site coverage, increased noise and traffic issues etc.

It is agreed considered that the proposed rezoning of the site is not the most appropriate in terms of achieving the purpose of the Act, and therefore Officers recommend retaining the current Outer Residential zoning.



4 Thatcher Crescent, Crofton Downs

### Recommendation

- **Accept** submissions 11, 12, 15, 16, 17, 18, 20, 24, 32, 35, 36, 37, 40, 45, 46, 47, 48, 49, 50, 51, 62, 63, 88, 89, 90, 91, 92, 98, 99, 104, 107, 112, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130 insofar as they request that the Outer Residential zoning of the Mitre 10 garden centre at 4 Thatcher Crescent, Crofton Downs be retained.

#### **4.16.3 Karori**

Specific issues raised in submissions include:

- Supports the proposed rezoning of the Karori Baptist Church at 161-163 Karori Road from Outer Residential to Centres (**Submission 28**).
- Supports the proposed rezoning of 235-237 Karori Road from Outer Residential to Centres. Submission 34 also supports the proposed rezoning of Outer Residential sites within the Karori Town Centre to Centres (**Submissions 33 and 34**).
- Supports the proposed rezoning of various properties on the edge of Marsden Village from Outer Residential to Centres but also request that Unit 8 of 136 Karori Road be rezoned from Outer Residential to Centres (**Submission 58**).
- Opposes the proposed rezoning of 270A, 272A and 272B Karori Road, Karori from Outer Residential to Centres (**Submission 6**).
- Opposes the proposed rezoning of the site at 4 Campbell Street, Karori (**Submission 9**).

- Opposes the proposed rezoning of the sites at 6, 6A, 8 and Raine Street, Karori (**Submissions 52 and 95**).
- Supports the proposed rezoning of land at 55-85 Curtis Street, Karori from Outer Residential and Open Space to Business 2 Area (**Submission 85**).

*Discussion*

**Submission 28** supports the proposed rezoning of the Karori Baptist Church at 161-163 Karori Road from Outer Residential to Centres. Reasons outlined by the submission are:

- The site is already positioned well with Marsden Village
- The use of the site is compatible with the Centres zoned and allows for positive community use of the church facilities
- Any redevelopment will be in keeping with the Centres provisions, including the Centres Design Guide
- The rezoning will allow for more flexible use of the site (whilst protecting the interests of adjacent residential properties).

Officers agree with the points made by the submission and recommend that Council proceed to rezone 161-163 Karori Road from Outer Residential to Centres.

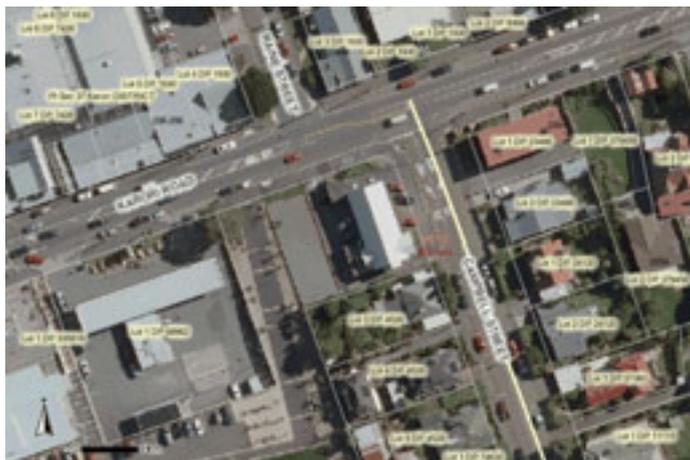


*161-163 Karori Road, Marsden Village*

**Submission 33** specifically supports the proposed rezoning of 235-237 Karori Road (former St Johns Church building and hall site) from Outer Residential to Centres. **Submission 34** also supports the proposed rezoning of 235-237 Karori Road as well as the other proposed rezoning of Outer Residential sites within the Karori Town Centre area to Centres. These submissions are supported by **further submission 5**. **Submission 9** however, opposes the proposed rezoning of the site at 4 Campbell Street (St Johns Church building 237 Karori Road).

With reference to the rezoning of the 235-237 Karori Road, **Submissions 33 and 34** note that the land is adjacent to the Karori Community Centre and the commercial Centre of Karori which contains retail shopping, banking facilities, a post office and a library. The submissions consider that the rezoning of the land will attract investment and allow for redevelopment of the site which could enhance amenities in the area. In terms of the remaining areas proposed for rezoning, **Submission 34** considers that residential properties used for commercial purposes should be recognised as such.

Officers consider that 235-237 Karori Road is a strategically important site within the Karori Town Centre. It is located on a key corner and signals the entrance to the commercial part of the suburb. In early 2008 the old church hall was removed from 237 Karori Road and a new access way and landscaping project completed. Currently there is a gravelled site where part of the removed



*235-237 Karori Road, Karori*

church hall once stood. 235 Karori Road contains the old St Johns Church which is currently used for community activities. It is envisaged that both 235 and 237 could be redeveloped either separately or as one entity (the sites are under the same title) thus completing the 'block' and more clearly defining the entrance way to the Centre. In this regard, it is recommended that **submissions 33 and 34** are accepted and that **submission 9** be rejected.

**Submission 58** supports the proposed rezoning of various properties on the edge of Marsden Village from Outer Residential to Centres. This support is noted by Officers, and in this regard this part of this submission should be accepted.

**Submission 58** also requests that Unit 8 of 136 Karori Road be rezoned from Outer Residential to Centres. Unit 8 relates to a Remax real estate office that operates out of a residential style building located on the cusp of Marsden Village. The unit is one of nine similarly designed town houses that are situated on one title at 136 Karori Road. Under the 1985 District Scheme the land was recognised as Residential B3 which was designed as a mixed used zoning. The units that currently stand today were erected under this zoning which explains that current arrangement of a commercial business in amongst residential units.

The submission has pointed out that the Remax office is part of the Business Improvement District which operates in Marsden with a specific targeted rate. The submission considers that because it operates as a commercial building and pays commercial rates its zoning should also be recognised as Centres. Officers do not support this request.

The building in question is situated amongst buildings that are residential in scale and character. This scale and character provides a transitional space between the commercial edge of the village and the residential area beyond. Officers note that the Remax building would have the benefit of existing use rights which allows for its continuing operation as a commercial business. To recognise the site with a commercial zoning would involve a non-cadastral boundary change which would be at odds with the larger residentially zoned lot of 136. In addition, a part-commercial zoning in a largely residential town house complex may create potential interface and amenity issues (if redeveloped in the future) that may not be acceptable. It is for these reasons that it is recommended that the request by **submission 58** for Centres zoning at Unit 8 136 Karori Road be rejected.



*136 Karori Road, Marsden Village*

**Submission 6** owns 270A, 272A and 272B Karori Road, Karori which are located on back lots behind the Karori Bridge Club to the south, and the Quiet Lady Tavern to the east. The submission opposes the proposed rezoning of this land from Outer Residential to Centres. The submission cites the potential increase in rates, changes to sunlight access planes and changes to the “building envelope” as reasons why he opposes the proposed change.



*270, 272A, 272B and 278 Karori Road, Karori*

Karori is Wellington’s largest suburb accommodating some 14000 residents and is recognised as a Town Centre in the Centres Policy. On the whole, the retail environment in Karori is poor, and given the size of the surrounding catchment, is undersupplied. A high proportion of the retail space in the Centre is occupied by food and beverage outlets and a low proportion of comparison shopping. The general perception is that the shopping area is a ‘convenience centre’ with shoppers simply stopping quickly and leaving. This fulfils a particular purpose but is not a centre for active shopping.

With this in mind, in the drafting of Plan Change 73 special consideration was given to the potential redevelopment opportunities in Karori with the view to improve the retail environment in the town centre. Officers saw redevelopment potential on the residentially zoned properties located at 270, 272A, 272B (and 278) Karori Road. It was considered that the location of the properties could lend themselves to be comprehensively redeveloped with the adjoining sites of the Quiet Lady Tavern and/or the rear Karori Medical Centre. It was envisaged that the land could be utilised for a mixed use development or supermarket or other retail-led development.

It is understood that the existing houses located at 270, 272A, 272B have recently been developed to provide for two additional infill houses (meaning a total of 4 detached residential dwellings on the sites). While officers maintain that the sites are ideally located for potential commercial redevelopment, it is acknowledged that the erection of these new houses mean that comprehensive redevelopment of the area is

less likely. It is for this reason that **submission 6** is supported and Officers recommend that the land remain as Outer Residential. This has a flow on effect for 278 Karori Road which directly adjoins the site to the west and would be a somewhat isolated Centre zoned site. As there was no submission regarding this site there is no scope to recommend changes. It is therefore recommended that consideration be given to the appropriate zoning of this site in a subsequent minor amendments plan change.

Officers remain comfortable with the proposed Centres zoning of the Karori Medical Centre located to the north of the submission's property. This site still offers redevelopment potential and it is considered that the sunlight access plane standards will ensure that amenity standards of surrounding residential properties are maintained.

**Submissions 52 and 95** oppose the proposed rezoning of the sites at 6, 6A, 8 Raine Street, Karori. The submissions recognise that the current mall is underdeveloped and needs revamping, however they consider that the cost of redeveloping the mall (and surrounding properties) is uneconomic and therefore unlikely. The submissions feel that the rezoning of the residential properties will not offer redevelopment potential for enhancement of the mall or the wider Karori Centre. The submissions raise concerns about the potential impact on property values and the potential effect on the residential character of the street. **Submission 95** in particular raises concern with the permitted uses under the Centres zoning and their possible amenity impacts (e.g. a takeaway business and cooking fumes) and traffic congestion in the area.

6, 6A and 8 Raine Street are homes located opposite the main vehicular access to the Karori Mall, and directly behind existing commercial uses. For many of the same reasons as discussed above, the proposed rezoning of these properties was mooted to promote redevelopment opportunities and retail expansion in the Karori Town Centre.



*6, 6A, 8 Raine Street, Karori*

Whilst it is acknowledged that the value of the existing residential properties may mitigate against redevelopment in the short-term, these sites offer some of the few opportunities to achieve expansion of the town centre, and the properties already have a reduced residential amenity from their location adjacent to the main vehicle entrance to the existing mall and behind existing commercial uses. A Centre zoning will not necessarily mean any change for the owners of these properties, unless they choose to sell and the subsequent owner wishes to pursue a redevelopment. However it will keep open the opportunity for future redevelopment and signal to the market

that a redevelopment for retail or mixed uses will be appropriate. In this regard it is recommended that the **submissions of 52 and 95** are rejected.

**Submission 85** supports the proposed rezoning of land at 55-85 Curtis Street, Karori from Outer Residential and Open Space (at the northern end of the site) to Business 2 Area. This site is an area of largely vacant land that is located on the suburban boundary of Karori and Wilton, near the intersection of Curtis Street and Chaytor Street. The land adjoins the Karori Garden Centre and is approximately 1.09ha in size. The land was formally used as cleanfill and Council works depot. The open space zoning at the northern part of the land is remnant land left over from the development of Whitehead Road which linked Old Karori Road and Curtis Street which has subsequently been formed.



*55-85 Curtis Street*

Officers do not consider that the site is suitable for residential purposes. In addition, as a general rule Council does not normally zone privately zoned land for open space purposes and it is considered that the old historic partial zoning of this site for open space purposes is also inappropriate. It is considered that a Business 2 Area zoning will allow for the best future use of the site and Officers recommend that this zoning be accepted.

#### Recommendation

- **Accept** submissions 28, 33, 34, 58 and 85 insofar as they support the proposed rezonings in the plan change.
- **Reject** submission 9 insofar that it does not support the proposed rezoning of 235 Karori Road (old St Johns Church site).
- **Reject** submission 58 insofar that it requests that Unit 8 136 Karori Road (Remax Building) be rezoned from Outer Residential to Centres.
- **Reject** submissions 6, 52 and 95 insofar as they request that the zoning of 270, 272A, 272B Karori Road and 6, 6A and 8 Raine Street remain zoned as Outer Residential as in the Operative District Plan

#### **4.16.4 Miramar**

Specific issues raised in submissions include:

- Supports the rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres (**Submission 10**).

- Opposes the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area (**Submission 111**).
- Requests the rezoning of 60 Miramar Avenue, Miramar (Lot 1 DP 8262) from Outer Residential to Centres (**Submissions 39 and 97**).

### Discussion

**Submission 10** supports the rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres. 73 Miramar Ave is a TAB betting agency at ground floor with residential above. The building is commercial in character and is located within the Miramar Town centre. The support of **submission 10** should be accepted.



*73 Miramar Ave, Miramar*

**Submission 111** opposes the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area. The submission views the Business 2 zoning as “down grading” the existing zoning which will have a negative effect on the value of the property. The submission points out that the 1.5492ha property could be used for large format retail, a high employment area or residential under the operative Suburban Centre Zone. The submission states that while the existing use is industrial, should this be discontinued as they would seek a higher and better use for the land - the proposed Business 2 zoning will not allow for this. Given the surrounding film industry buildings and activities, the submission considers that a Business 2 zoning is inappropriate.

As discussed in earlier sections of this report the availability of industrial and employment land within Wellington City continues to be in short supply. This is often a result of industrial activities having to compete with higher order uses, such as retail and residential, for suitable land. A future shortfall in industrial land will impact on the overall economy of the City through loss of diversity, and will have adverse effects on social wellbeing through loss of range in the employment market. Council has therefore signalled a policy shift by creating the Business 2 zone to better manage the City’s industrial land supply.

The area around Portsmouth Road and Stone Street in Miramar South is characterised by large tanks and film production buildings including special effects facilities. Given the emphasis on fostering creative industries in the City and the success of the Miramar film industry, it is considered important that there is sufficient land available for these activities. Because of the industrial nature of the activities in the area, lower levels of amenity will be required compared with other parts of the City. Therefore residential and retail activities are not considered to be appropriate in the setting. The Miramar Centre zone also has sufficient land available to meet the foreseeable needs for retail growth in the wider catchment. In this regard, **Submission 111** is not supported and Officers recommend that it be rejected.



*16 Portsmouth Road, Miramar*

**Submissions 39 and 97** support the plan change and request that 60 Miramar Avenue, Miramar (Lot 1 DP 8262) be rezoned from Outer Residential to Centres. This building is located on a prominent site in Miramar Town Centre on the corner of Miramar Avenue and Stone Street. The building is one of four purpose-built residential character buildings, but has operated as a commercial activity for a number of years.

Given the close proximity of the building to the Town Centre there certainly is merit in considering the rezoning of the property for commercial purposes. However, the building also retains a residential scale and character that is distinctive in this part of the Centre. None of the other properties fronting this part of Miramar Ave have requested a change in zoning. Whilst Officers do not have concern with the commercial use of the site per se, there is concern that the Centres zoning for this corner site may enable a scale of development that could have potential adverse effects on the neighbouring properties and the streetscape appearance of the area. It is noted that the building would have the benefit of existing use rights which allows for its continuing operation as a commercial business. On balance, Officers recommend that 60 Miramar Avenue retain its Outer Residential zoning and recommend that **submissions 39 and 97** be rejected.



*60 Miramar Ave, Miramar*

### Recommendation

- **Accept** submission 10 insofar as it supports the proposed rezoning of 73 Miramar Avenue, Miramar from Outer Residential to Centres
- **Reject** submission 111 insofar as it opposes the proposed rezoning of their property at 16 Portsmouth Road, Miramar from Suburban Centres to Business 2 Area
- **Reject** submissions 39 and 97 insofar as they request the rezoning of 60 Miramar Avenue, Miramar (Lot 1 DP 8262) from Outer Residential to Centres

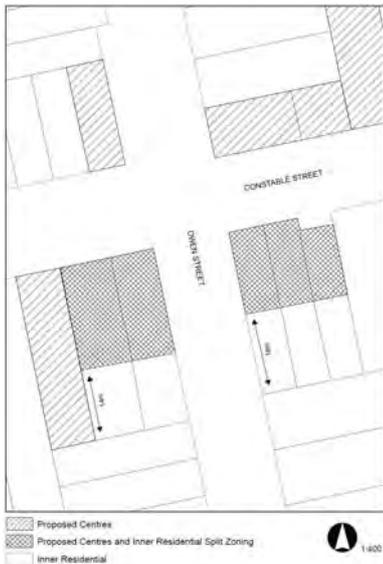
#### **4.16.5 Newtown**

Specific issues raised in submissions include:

- Supports the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned (**Submissions 86 and 87**).
- Supports the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres (**Submission 60**).
- Requests that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (the “Tip Top site”) be rezoned from Inner Residential to Centres (**Submission 101**).
- Requests the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area (**Submission 106**).
- Requests that 9 Millward Lane, Newtown be rezoned from Inner Residential to Centres (**Submission 59**).
- Seeks that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road are aligned to a Centres zoning (**Submission 8**).
- Opposes the proposed rezoning of the site at 190 Riddiford Street, and instead requests a Business 1 Area zoning (**Submission 103**).

### Discussion

**Submissions 86 and 87** support the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned. This support and the request the width of the site should be accepted.

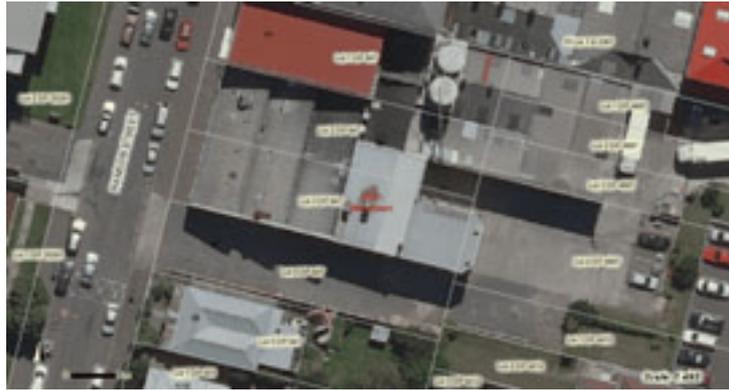
	
<p><i>76-78 Constable Street, Newtown</i></p>	<p><i>Proposed split zoning of 76-78 Constable Street, Newtown</i></p>

**Submission 60** supports the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres. This support should also be accepted.



*21, 23, 27 and 33 Constable Street, Newtown*

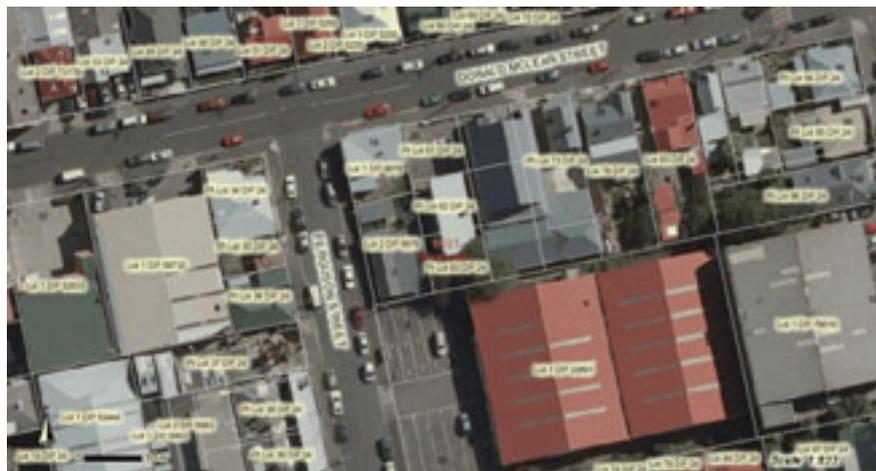
**Submission 101** requests that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (Tip Top site) be rezoned from Inner Residential to Centres. Lot 4 relates to a parcel of land that fronts Hansen Street (also known as 97 Hanson Street). The land accommodates the main form of rear vehicular access to the Tip Top Site and reads as part of the operational function of the entire site. It is agreed that Lot 4 should be recognised as Centres and is recommended that the request of **submission 101** be accepted.



*Lot 4 DP 847, 194 Adelaide Road (Tip Top site)*

**Submission 106** requests the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area.

The land is located on the southern side of Donald McLean Street and currently accommodates a block of residential flats (number 20), a historic church building and a hall (number 22), a Manse (number 26) and a residential house (number 28).



*20-28 Donald McLean Street, Newtown*

This site has been the subject of an appeal regarding the Plan Change 53 heritage listing of the 1907 Former Primitive Methodist Church building which is now owned and occupied by the Wellington Chinese Baptist Church. The Council Decision, which was released 18 October 2007, was appealed by the Wellington Chinese Baptist Church on the grounds that heritage listing would curtail the Church's present and future ability to serve and administer its community and impede and unduly restrict redevelopment of the site.

During mediation on the appeal, the Chinese Baptist Church group explained the manse building on site was impracticable and too small for modern day living and for accommodation of a minister. They explained that the church building was a financial drain because of its age (i.e. plumbing, wiring etc) and that the congregation will not be willing to pay for maintenance and upkeep of a listed building. The representatives envisioned that the site could be redeveloped for teaching, language and technology learning facilities. The idea is to cater for all ages from toddlers through to the elderly. The spaces wouldn't be used for counselling services, rather care and support facilities for Chinese speaking people (especially the older members of the community).

At the time of writing this Officers Report, the appellants had indicated that they were withdrawing the appeal. If this is the case, for the purposes of this report, the Church building can be considered as a listed building.

In the first instance, the requested Centres zoning of this land is not supported by Officers. The land does not possess the qualities normally associated with a Centre zoning and is not directly linked with the main Newtown Town Centre retail strip along Riddiford Street.

The alternative request of a Business 1 Area zoning for the site has pros and cons as discussed in the following paragraphs.

The site is located in an area that has seen much change over the years. The buildings located towards the western end of Donald McLean Street to Fergusson Street (zoned Centres) are a mix of residential dwellings, commercially converted residential buildings, purpose-built retail and light industrial buildings. To the rear of the site at 5-15 Fergusson Street is a large industrial style building and forecourt area used by Newtown Samoan Catholic Community which is proposed to be zoned as a Business 1 Area (along with the adjoining property at 102 Daniell Street). The area in general does not have a defining character and appears to comfortably accommodate a mix of commercial, community facilities and residential uses.

Officers are mindful of the (to be) listed church building on the site and recognise that any future redevelopment would need to take into account the heritage values and setting of that building. This could mean that future development would be limited by the central location of the church building which may result in a more fine-grained development, than if the site was redeveloped completely unlimited by existing buildings.

Officers are also mindful of the Chinese Baptist's desire to provide support facilities for Chinese speaking people and consider that this use could be compatible given the mixed character of the area. Although this type of development is possible under the Inner Residential Rules, greater flexibility would be provided under a Business 1 Area zoning.

However, there is no guarantee that this type of facility would eventuate and the Business 1 Area zoning would create many more commercial opportunities than currently available to the church group. This would be particularly relevant when the site was considered in conjunction with the large Business 1 Area lots to the rear of the site. The amalgamation of these lots could create a sizable piece of land that could accommodate activities that may not be appropriate in that location.

It is with these factors in mind that Officers have assessed the proposed Business 1 Area against the rezoning criteria that was used in the Suburban Centres Review. The criteria and Officer's response is detailed in the table below:

<b>Assessment of rezoning of 20-28 Donald McLean Street, Newtown from Inner Residential to a Business 1 Area</b>	
<b>Criteria</b>	<b>Officers Assessment</b>
<i>Commercial need</i> – is there an identified need for more commercial space and would the zone change add to the vitality and viability of the existing commercial area?	No
<i>Commercial use</i> - is the area a larger site (or group of smaller sites) that reflects its existing use for commercial activities?	Maybe
<i>Urban design</i> – would rezoning provide opportunity to create better on-street linkages and connections, particularly in regard to	No

primary or secondary frontages?	
<i>Completeness</i> – is the zoning incompatible with the surrounding commercial area or part of a wider commercial block?	No
<i>Bulk and location</i> – is it appropriate to re-zone to allow for more height and bulk?	No
<i>Change Areas</i> – would re-zoning support proposals for Areas of Change in the future?	N/A

Officers consider that the proposed Business 1 Area zoning for the site would not meet the above criteria and therefore do not recommend that 20-28 Donald McLean Street should be rezoned from Inner Residential to a Business 1 Area.

**Submission 59** requests the Council rezone the western side of Millward Lane (in particular 9, 13, 15 and 17) Newtown as Centres to match the existing Centres zoning directly to the east. Millward Lane is a short, dead end pedestrian lane that runs behind the residential properties of 9-19 Millward Street. The car park for McDonalds Restaurant is located immediately to the east and is zoned Centres. Access to the existing houses on the sites is via the rear of the houses off Millward Street. The actual frontage of the properties is eastwards overlooking the McDonalds car park. An additional household unit has been built on the rear of 11 fronting the lane. It would appear that the rezoning is sought to enable the sites to be redeveloped without providing carparking.

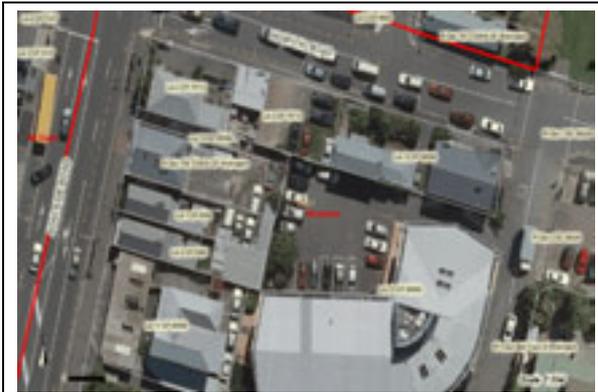


*Millward Lane, Newtown*

Officers do not support the re-zoning of the land to Centres. The fronts of these sites are not able to be serviced by vehicles, and a Centres zoning would permit a wide range of uses on these sites that may not be compatible with surrounding residential activities. For this reason, Officers recommend rejecting this submission.

**Submission 8** requests that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road, Newtown are aligned to have a Centres zoning. The properties along Adelaide Road, being numbers 161, 163, 169 and 171 currently have a Suburban Centres zoning, and are proposed to be rezoned to Centres. These properties are also proposed to be included in the John Street (Newtown) Heritage Area, subject to a separate plan change.

The western end of 2 Hospital Road also currently has a Suburban Centres zoning (also proposed to be rezoned to Centres), whilst the eastern end of 2 Hospital Road is currently within the Wellington Hospital Institutional Precinct. This zoning is referred to as a non-cadastral split zoning. The entire site zoning of 6 Hospital Road is currently recognised as Wellington Hospital Institutional Precinct.

	
<p><i>161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road, Newtown</i></p>	<p><i>Existing non-cadastral split zoning on 2 Hospital Road and Wellington Hospital Institutional Precinct zoning on 6 Hospital Road</i></p>

It is considered appropriate to rezone 6 Hospital Road from the Wellington Hospital Institutional Precinct zoning to a Centres zoning, and remove the non-cadastral boundary of 2 Hospital Road by rezoning the entire site to a Centres zoning. This is because the sites are currently privately owned, are not used for hospital uses, and provide opportunities for commercial uses in the future. In this regard, Officers recommend that **submission 8** is accepted.

**Submission 103** opposes the proposed Centres zoning of the Newtown McDonalds site at 190 Riddiford Street, and instead requests a Business 1 Area zoning. The submission considers that the Centres provisions (especially the use of primary frontages) are more aligned to pedestrian focused activity which is at odds with the intended continued use of the site which is has vehicle orientated focus. The submission also points out that the supermarket opposite the subject site has not been identified as a primary frontage.



*McDonalds site, 190 Riddiford Street, Newtown*

Newtown is one of Wellington’s most diverse and vibrant Centres. The area is highly visible and contains a number of landmark buildings and rare sections of continuous streetscape that is reflective of the areas 1920s origins. In particular the heart of the Newtown Town Centre is of great historic significance and it is shortly to be notified as a proposed Heritage Area. Whilst the McDonalds site is not part of this proposed

Heritage Area, consideration needs to be given to a buildings relationship with the street edge and activities that front it.

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

The location of the McDonalds site is near the key intersection of Riddiford and Constable Streets which can be considered as part of the core commercial area of Newtown. Officers do not agree that a Business 1 Area zoning would be appropriate in this location and maintain that the Centres zoning is the correct zoning for the area. For Officer's recommendations on the provision of primary and secondary frontages in the proposed plan change, refer to section 4.10.3 of this report.

As a point of note, the submission identifies that the supermarket opposite the McDonalds site has not been identified as a primary or secondary frontage. Officers note that this street frontage is identified on the Operative District Plan Planning Maps and should also be identified as part of Plan Change 73. This is a drafting error and Officers will seek to correct this in due course.

#### Recommendation

- **Accept** submissions 86 and 87 insofar that they support the proposed rezoning of the site at 76-78 Constable Street, Newtown from Inner Residential to Centres, with an amendment to the width of the part of the site being rezoned .
- **Accept** submission 60 insofar that they support the proposed rezoning of the sites at 21, 23, 27 and 33 Constable Street, Newtown from Inner Residential to Centres.
- **Accept** submission 101 insofar as it requests that part of the site (Lot 4 DP 847) located at 194 Adelaide Road (the "Tip Top site") be rezoned from Inner Residential to Centres.
- **Reject** submission 106 insofar as it requests the rezoning of the Wellington Chinese Baptist Church at 20-28 Donald McLean Street, Newtown from Inner Residential to either a Centres or Business 1 Area.
- **Reject** submission 59 insofar as it requests that 9 Millward Lane, Newtown be rezoned from Inner Residential to Centres.
- **Accept** submission 8 insofar as it seeks that 161, 163, 169, 171 Adelaide Road and 2 and 6 Hospital Road are recognised as Centres.
- **Reject** submission 103 insofar as it opposes the proposed Centres rezoning of the site at 190 Riddiford Street, and instead requests a Business 1 Area zoning.

#### **4.16.6 Ngaio**

Specific issues raised in submissions include:

- Supports the proposed rezoning of the site at 1 Khandallah Road, Ngaio from Outer Residential to Centres (**Submission 30**).

- Opposes the proposed rezoning of 2, 4 and 4A Khandallah Road, Ngaio from Outer Residential to Centres because of the potential adverse effects on amenity values, including character. The submission also opposes proposed permitted bulk and location standards (**Submission 27**).

*Discussion*

**Submission 30** supports the proposed rezoning of their property at 1 Khandallah Road from Outer Residential to Centres.

**Submission 27** opposes the proposed rezoning of 2, 4 and 4a Khandallah Road from Outer Residential to Centres.

These submissions relate to both commercial and residential property located at the intersection of Khandallah Road and Colway Street, Ngaio. These commercial buildings are located at street level and consist of small superettes/dairies, liquor stores and a chiropractic clinic. These buildings have a strong connection with the nearby Ottawa Road commercial buildings that essentially form the main core of the Ngaio Neighbourhood Centre. Number 4 Khandallah Road is located on the eastern side of the road and contains a chiropractic clinic fronting the street edge, with an elevated residential property located behind. Number 2 Khandallah Road has a similar arrangement in that the dairy and liquor store front the street edge, but in this case a vacant rear garden is elevated above. **Submission 27** has raised particular concerns about the possible adverse effects on amenity values resulting from the proposed zone change. Officers note that the residential property of 4a is directly adjacent to this garden space and essentially the property would be flanked by commercial property to its south-east and western boundaries if the proposed Centres zoning were to be accepted.



*1, 2, 4 and 4a Khandallah Road, Ngaio*

Officers note that number 4a Khandallah Road is a large residential property that in all likelihood would not be used for commercial purposes in the future. Its elevated position means that it is somewhat detached from the main road and given these factors, Officers agree in part with **submission 27** that the zoning should remain as Outer Residential. However, given the lower lying topography and relationship with the other commercial buildings in the area, Officers consider that the former chiropractic clinic at 4 Khandallah Road is appropriate for Centres zoning. Therefore it is recommended that an Outer Residential/Centres split zoning is an appropriate tool to adequately reflect the uses of these separate buildings.

With regards to number 2 Khandallah Road, it is noted that Centres zoning on this property (and the entire adjoining site of 4 and 4a) would allow for comprehensive

redevelopment of the site (especially the rear garden) that may have possible adverse amenity effects on the residential house at 4a. This, coupled with the fact that the streetscape of the site changes on the Colway Street elevation to a more residential character, mean that Officers recommend a split Outer Residential/Centres zoning to adequately reflect the uses of these separate buildings.

Although not common in the District Plan, it is considered that in this case the split zoning of these properties will recognise the commercial activities of the front buildings, whilst also providing for amenity values of the property located at 4a Khandallah Road. Officers note that the interface standards are robust and are confident that potential amenity affects can be managed through these standards.

The map below demonstrates this non-cadastral boundary split zoning recommendation:



### Recommendation

- **Accept** submission 30 insofar as it supports the proposed rezoning of the site at 1 Khandallah Road, Ngaio from Outer Residential to Centres
- **Accept** submission 27 insofar as it opposes the proposed rezoning of 2, and 4A Khandallah Road, Ngaio from Outer Residential to Centres but allow for the street fronting properties of 4 and 2 Khandallah Road to be recognised as Centres.

### **4.16.7 Tawa/Takapu Island**

Specific issues raised in submissions include:

- Requests that the site at 42 Main Road, Tawa (Redwood Village) be rezoned to Outer Residential rather than a Business 1 Area (**Submission 7**).
- Requests that the site at 98 Main Road, Tawa be rezoned as a Business 1 Area rather than a Business 2 Area zone (**Submission 44**).

- Rezone the Business 1 areas referred to in the section 32 report (and in Rule 34.4.5 and 34.6.1.14) as “Tawa South” and “Takapu Island” to “Centres” zone (**Submission 108**).

*Discussion*

**Submission 7** considers that 42 Main Road, Tawa (Redwood Village) should be zoned Outer Residential rather than a Business 1 Area. This submission is opposed by **further submission 14** who are the owners of the adjoining Dress-Smart site and consider that the land should be zoned as Business 1 Area. As rightly pointed out by **Submission 7**, the area is purely residential in character and there is no industrial or commercial businesses activity in the village and little or no likelihood of any in the future. Redwood residential village was developed under the Suburban Centre zoning in the 1990s and contains 76 single storey unit-title residential dwellings. The Business 1 zoning allows for a mix of uses on the site, but given that it is already reasonably intensely developed for residential purposes it is not considered that other non-residential activities will be able to locate on site if desired. In terms of Redwood Village’s relationship with the adjoining Dress-Smart site, Officers are confident that the Business 1/Residential Area interface can be appropriately managed. In this regard it is recommended that **submission 7** is accepted and **further submission 14** is rejected.



*Redwood Village, 42 Main Road, Tawa*

**Submission 44** has requested that their property at 98 Main Road Tawa be recognised as a Business 1 Area as opposed to the Business 2 Area proposed in the plan change. The site is located on the corner of Main Road and Tawa Street and contains a BP service station to the front of the site with the rear made up of a large warehouse building. The submission has explained that they have had difficulty in attracting a tenant for the warehouse space and has plans to divide the space up into a mixed use development.



*98 Main Road, Tawa*

Officers consider that it is not appropriate to rezone the site from a Business 2 Area to a Business 1 Area because of its close proximity and relationship with other suitable Business 2 Area land. The subject site directly adjoins a large proportion of light industrial business that stretch along Main Road providing work and employment-based services. Such services and land are in short supply within the City and Officers consider they should be maintained for those purposes. In addition, Officers do not consider that residential activities would be appropriate in the area, given the nature of the activities that take place there. It is therefore recommended that the Business 2 Area zoning be retained for 98 Main Road, Tawa as proposed in the plan change.

**Submission 108** requests that the Business 1 areas referred to in Rule 34.4.5 and 34.6.1.14 as Tawa South and Takapu Island be zoned Centres.

Out-of-centre retailing has been identified as a key issue that needs to be better managed. Tawa South and Takapu Island in particular were identified as having a greater potential risk of adversely affecting the viability and vibrancy of the Tawa Town Centre, should a number of small-scale retail outlets or a key anchor such as a supermarket establish there. Any changes to the retail rules at Takapu Island therefore may potentially undermine the role and function and the convenience-based retail of Tawa Town Centre and Council's and the community's investment in infrastructure and community services and facilities. In this regard **submission 108** is not supported.



*Takapu Island, Tawa*

### Recommendation

- **Accept** submission 7 insofar as it requests that the site at 42 Main Road, Tawa (Redwood Village) be rezoned to Outer Residential rather than a Business 1 Area.
- **Reject** submission 44 insofar as it requests that the site at 98 Main Road, Tawa be rezoned as a Business 1 zone.
- **Reject** submission 108 insofar as it requests that the Business 1 areas referred to in the section 32 report (and in Rule 34.4.5 and 34.6.1.14) as “Tawa South” and “Takapu Island” be rezoned to “Centres” zone.

#### 4.16.8 Other

Specific issues raised in submissions include:

- Opposes the proposed rezoning of the site at 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 and seeks that either the current Suburban Centres zoning is maintained, or the land is rezoned as a Centre or a Business 1 Area. In the event the Council refuses to make the decision sought above, the submissions requests that the Rules in Chapter 34 are amended to clearly exclude only those activities which are incompatible with the Business 2 zoning, or which would affect the viability and vitality of the other identified centres (**Submission 57**).
- Requests that 1 Malvern Road, Ngauranga be zoned as Business 1 Area rather than the Business 2 Area proposed (**Further Submission 7**).
- Opposes the proposed rezoning of Greta Point (**Submission 9**).
- Seeks the confirmation of the Centres zoning for the Johnsonville Centre (**Submission 78**).
- Requests that the site at 673 Hutt Road, Horokiwi be rezoned from Rural to Business 2 (**Submission 85**).
- Seeks the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site (**Submission 79**).
- Supports the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Suburban (sic) Centres (**Submission 2**).
- Seeks the confirmation of the proposed rezoning of 306 Tinakori Road as Centre. The submission also seeks an extension of the proposed partial Centre zoning to cover the entire properties at 302 and 304 Tinakori Road, and an extension of the proposed partial Inner Residential zoning to cover the entire property at 300 Tinakori Road (**Submission 80**).

#### *Discussion*

**Submission 57** opposes the proposed rezoning of the 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 Area and submits that the site should be recognised as a Centre or a Business 1 Area.

34 Jamaica Drive houses a large produce wholesale, flower wholesale and auction and banana ripening facility, with a proportion of the building also used to supply fresh produce and frozen and dry goods to the food industry. There is also a truck fuel stop operating at the front of the property. The building, which was built in 1992, is typically expansive in order to accommodate these uses.

As previously discussed, Business 2 Areas have been created in part to respond to the issue of loss of industrial land. This has been a notable trend in the period from 1995-2009 and resulted from the move of residential and retail activities into areas previously dominated by commercial and industrial uses. This has provided a greater mix in some areas, but it can make it difficult for activities and businesses to find land and premises within the city boundaries.



*34 Jamaica Drive, Grenada North*

The Business 2 Areas are traditional business areas where a range of industrial activities including warehousing, manufacturing and commercial services can occur. Because of the industrial nature of the activities in such areas, lower levels of amenity are acceptable compared with other areas in the City. Residential and retail activities are not encouraged in Business 2 Areas.

Given the role and function of the wider Grenada North area, the nature of the activities that occur on site and the building typology needed to accommodate them, Officers consider that the Business 2 Area zoning is entirely appropriate for the site. The area does not possess a Centres role and function and likewise, is not appropriate for general retailing and residential development which would be permitted under the Business 1 Area zoning. It is considered that the proposed Business 2 Area zoning will not promote the sustainable management of natural and physical resources as stated by the submission. Therefore, Officers recommend that this submission is rejected.

**Further Submission 7** relates to land located at 1 Malvern Road, Ngauranga Gorge which contains an existing retail activity with a large format showroom (LV Martin site). The submission raises concern that the existing retail use of the site would become a Non-Complying Activity under the proposed Business 2 Area zoning.

It is considered appropriate to rezone 1 Malvern Road as Business 1 Area rather than a Business 2 Area zoning. This is due to the nature of the retail activities currently occurring on the site which would be better recognised as a Business 1 Area. For this reason, **further submission 7** should be accepted.



*1 Malvern Road, Ngauranga*

**Submission 9** opposes the proposed rezoning of Greta Point.

Greta Point has been recognised as a Business 1 Area zoning in the proposed Plan Change. Currently the area contains a mix of residential town housing, the NIWA building, a motel, childcare centres, cafes and bars and other businesses. In light of the various land uses in the area, it is considered that a Business 1 Area zoning provides the most flexibility in being able to cater for these mixed uses. Officers do not support **submission 9** and recommend that Greta Point continue to be identified as a Business 1 Area.



*Greta Point*

**Submission 78** seeks the confirmation of the Centres zoning for the Johnsonville Centre. This submission should be accepted. **Further submission 6** opposes this submission.

**Submission 85** requests that the site at 673 Hutt Road, Horokiwi be rezoned from Rural to Business 2 Area.

This part of **submission 85** relates to an area of rural zoned land that is located on the landward side of State highway 2 just before the entrance to the Horokiwi Quarry. A building is present on site, as well as a number of bill board signs and other structures.

Council Officers have informally discussed the possibility of access to the land with the New Zealand Transport Authority (NZTA) who have advised that they would have concerns about traffic movements to and from the site, given its location on a busy stretch of limited access motorway. A Business 2 Area zoning would create scope for development on the land that is currently somewhat limited by the existing Rural Area zoning. This could have traffic implications that may not be able to be adequately considered under the proposed Business 2 provisions. Based on the advice of NZTA, Officers do not consider that a Business 2 Area zoning is appropriate on site and therefore do not support **submission 85** in their request.



*673 Hutt Road, Horokiwi*

**Submission 79** seeks the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site. This submission should be accepted.

**Submission 2** supports the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Centres. This support should be accepted.

**Submission 80** requests that Council review the current split zoning that runs through the properties at 300, 302 and 304 Tinakori Road. At present, the fronts of these properties are zoned Centre to reflect existing ground floor uses, while the upper floors to the rear are zoned Inner Residential to reflect the character and use of the building. Officers support this submission on the basis that the suggested rezonings better recognise the use and character of the properties in question. As a result the property at 300 Tinakori Road would be zoned Inner Residential, while 302, 304 and 306 Tinakori Road would be zoned Centre.

	
<p>300, 302, 304 and 306 Tinakori Road, Thorndon</p>	<p>Proposed split zoning of 300, 302, 304 and 306 Tinakori Road to be amended by submission</p>

Recommendation

- **Reject** submission 57 insofar as it opposes the proposed rezoning of the site at 34 Jamaica Drive, Grenada North from Suburban Centres to Business 2 and seeks that either the current Suburban Centres zoning is maintained, or the land is rezoned as a Centre or a Business 1 Area.
- **Accept** further submission 7 insofar that requests that 1 Malvern Road, Ngauranga be zoned as Business 1 Area rather than the Business 2 Area proposed.
- **Reject** submission 9 insofar as it opposes the proposed rezoning of Greta Point.
- **Accept** submission 78 insofar as it seeks the confirmation of the Centres zoning for the Johnsonville Centre.
- **Reject** submission 85 insofar as it requests that the site at 673 Hutt Road, Kaiwharawhara be rezoned from Rural to Business 2.
- **Accept** submission 79 insofar as it seeks the confirmation of the proposed Centres zoning of the Kilbirnie Bus Barns site.
- **Accept** submission 2 insofar as it supports the proposed rezoning of 54 Northland Road, Northland from Outer Residential to Centres.

- **Accept** submission 80 insofar as it seeks amendments to the zoning of properties from 300-306 Tinakori Road.

#### **4.17 Volume 3 – Planning maps**

##### Submissions

Specific issues raised in submissions include:

- Provide maps to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas (**Submission 108**).
- Change the proposed new zones colours on the planning maps (**Submission 131**).

##### Discussion

**Submission 108** requests that maps are provided to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas. The submission states that these areas appear to be referred to in text only – there is no map to clearly define the geographical extent of these areas. This could lead to confusion and difficulties for plan users in implementing these provisions. Whilst the areas are described in words in the Section 32 report, this report does not form part of the statutory plan provisions.

Officers consider that it is unnecessary to further delineate the Tawa South and Takapu Island Business 1 Areas on the planning maps. These areas are already delineated on the maps by way of an orange dotted line which signifies that these are areas subject to site specific rules/appendices. Officers concede however that these lines could be made clearer/bolder on the planning maps and will make changes accordingly.

**Submission 131** requests that the proposed new zones colours on the planning maps be changed as the colours chosen for the Centre, Central Area, Business 1 Area and Business 2 Area are all shades of pink and purple. The submission argues that it is difficult to distinguish between the different zones on the maps, and suggests that other colours be chosen to make identification of the different zones more obvious. Officers agree with this submission and will make changes to the new zone colours accordingly.

##### Recommendation

- **Reject in part** submission 108 insofar as it requests the provision of maps to clearly delineate the areas referred to as the Tawa South and Takapu Island Business 1 Areas.
- **Accept** submission 131 insofar as it requests changing the proposed new zones colours on the planning maps.

## 4.18 Subdivision

### Submissions

Specific issues raised in submissions include:

- Supports provisions in the Plan Change for 20 metre strips of esplanade land, however considers it should be a minimum width, rather than a maximum width (**Submission 118**).
- Esplanade reserves of 20 metres above mean sea level should be set aside (**Submission 9**).
- Amend the explanatory text to Policy 33.2.8.1 to acknowledge the waiver of esplanade land provision on subdivision within the Operational Port Area (**Submission 22**).
- Include in Rule 34.3.14 a further consideration regarding provision of esplanade reserve for subdivisions adjacent to the Coastal Marine Area (**Submission 22**).
- Add an advice note to the general standards for subdivision alerting applicants to the requirements of the Historic Places Act 1993 (**Submission 83**).
- Amend the details of information required to be supplied with subdivision consents (in sections 3.2.3.6 and 3.2.3.8.1) to provide greater recognition for archaeological sites (**Submission 83**).
- Amend Standard 7.6.4.1.3 as it relates to access to right of ways (**Submission 55**).
- Delete the requirement to comply with Standards 7.6.4.1.4 and 7.6.4.1.5 from Rule 7.2.3 (**Submission 55**).
- Retention of Objectives 33.2.8 Business Areas and 6.2.7 Centres, Policies 33.2.8.1 Business Areas and 6.2.7.1 Centres and Standards 34.6.4.1.8 Business Areas and 7.6.4.1.8 Centres as notified (**Submission 83**).

### Discussion

**Submission 118** supports provisions in the Plan Change for 20 metre strips of esplanade land, however considers it should be a minimum width, rather than a maximum width.

The maximum width of esplanades allowed to be taken under the RMA is 20 metres. The purpose of esplanades is two-fold: for conservation reasons or for public access, or a combination of the two. Council have the discretion to decide what width of esplanade is appropriate in the circumstances and has the legal ability under the RMA to take esplanades up to 20 metres, as they see appropriate. Setting 20 metres as a minimum width would have the effect of removing all development potential from some smaller properties, while at the same time setting aside land which is far more than needed to actually achieve the esplanade outcomes reasonable for the circumstances. It would potentially also have the effect of discouraging subdivision and further development of some sites where development would be seen as desirable. For this reason, Officers consider that this submission should be rejected.

**Submission 9** requests that the plan provide for esplanade reserves of 20 metres above mean sea level to be set aside. Officers note that the plan already makes provision for the taking of esplanade reserves if land adjacent to the coast is

subdivided. However in reality it is unlikely that this will happen in more than one or two sites as the only area of the city where properties zoned Centres, Business 1 Area, or Business 2 Area abut the coastal edge is at Greta Point (Business 1 Area), Shelly Bay (Business 1 Area), and at the Miramar Wharf (Business 2 Area). Outside of this area the land abutting the coast is either road reserve or open space land already owned by Council or a small pocket of approximately 12 properties on the eastern side of Lyall Bay.

**Submission 22** requests that an additional paragraph be included under Policy 33.2.8.1 as follows:

*The requirement to provide 20 metres of esplanade land will be totally waived where the land subject to subdivision is within the Operational Port Area and is to be utilised for an operational port purpose.*

The submission asserts that the provision of esplanade land within the Operational Port Area is acknowledged in other areas of the District Plan as not being required. The submission also states that in the Operational Port Areas, it is not practical to provide for esplanade areas to be set aside for safety security and operational reasons.

Note 1 under section 3.4.6 of the operative District Plan (Vesting of Land) already gives guidance to the vesting of land for esplanade reserves (in relation to port operations only) in the Operational Port Area, Miramar/Burnham Wharf area and the Kaiwharawhara reclamation area. It is considered that the concerns raised in this submission are addressed and that the Council already has discretion to waive esplanade requirements in the Operational Port Area, and therefore this submission should be rejected.

**Submission 22** also requests an amendment to Rule 34.3.14 to include a further consideration regarding the provision of esplanade reserve for subdivision adjacent to the coastal marine area, as follows:

- 34.3.14** Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of: *· Pt Lot 2 DP 54434, Grenada, refer to Appendix 7*
- 34.3.14.1** roading, access, stormwater, sewerage, and water supply
- 34.3.14.2** reduction in the 20 metre esplanade reserve provision for subdivisions adjacent to the coastal marine area.

The RMA already gives Council the authority to take esplanades, and decide through the resource consent process whether Council wants to take the full 20 metres or waive or reduce this requirement. However, Officers agree with the submission that it may be prudent to include another matter of discretion under Rule 34.3.14 as follows:

- 34.3.14** Any subdivision not being a Permitted or Controlled Activity is a Discretionary Activity (Restricted) in respect of: *· Pt Lot 2 DP 54434, Grenada, refer to Appendix 7*
- 34.3.14.1** roading, access, stormwater, sewerage, and water supply
- 34.3.14.2** esplanades.

As the concerns of the submission are already addressed in part by the RMA itself, this submission should be accepted in part.

**Submission 83** requests that the subdivision provisions be amended to provide greater recognition for the Historic Places Act 1993, particularly regarding archaeological sites. Officers consider that this would be useful and recommend the following:

- Inclusion of a margin note in Sections 7.6.4 and 34.6.4 alerting readers to the need to also check the requirements of the Historic Places Act 1993.
- Inclusion of an additional information requirement in section 3.2.3 requiring an assessment of the proposed works to uncover archaeological remains dating pre 1900, and the steps to be taken in the event that such remains are discovered.

**Submission 55** opposes the wording of Standard 7.6.4.1.3, relating to access for subdivisions, as it asserts that the wording of the standard as it currently reads is confusing. The submission requests the amendment of Standard 7.6.4.1.3 as follows:

*7.6.4.1.3 Every allotment must have practical, physical and legal access to a formed legal road ~~or by way of a registered right-of-way.~~*

Officers agree that the wording requiring access by way of a registered right of way is unnecessary. The amended wording, as suggested by the submission, is sufficient as it is clear that every allotment must have access to a formed legal road via a legal arrangement (i.e. directly from legal road to the site or a right of way). As such, it is recommended to accept this submission.

**Submission 55** requests the deletion for the requirement to comply with Standards 7.6.4.1.4 and 7.6.4.1.5 from Rule 7.2.3. The submission notes that under Rule 7.2.3 subdivision is only a controlled activity if the proposal complies with the Standards in section 7.6. Standard 7.6.4.1.4 requires every allotment to have drive on access and parking in accordance with the relevant standards. The submission asserts that given Wellington's topography this is likely to involve excavation and/or filling in order to provide a vehicle crossing and parking space. However, standard 7.6.4.1.5 specifies that only earthworks which are permitted by Rule 30.1.1 of District Plan Change 70 (DPC70) can occur. The limits imposed by DPC70 will be almost impossible to comply with on the majority of sites. Clearly earthworks to create a parking space on all but the flattest sites will involve earthworks which breach this distance to boundary provision.

This submission is supported in part. At present the subdivision rules trigger any subdivision that can not meet the earthworks, site access and parking standards. Officers agree that this is unduly onerous, especially given Wellington's topography where earthworks breaches are relatively common. However, Officers do not consider that removing the reference to the earthworks, site access and parking access standards is the most appropriate fix.

If earthworks standards are not attached to the Controlled Activity subdivision then Council would be placed in the situation of having to approve subdivision consent applications knowing that development of the lot(s) would require substantial earthworks that may not be granted land use consent at a later date. Officers consider that there is merit in considering the potential effect of required earthworks at the time of subdivision. However, Officers acknowledge any breaches of the earthworks standards can be adequately considered as a Discretionary Activity (Restricted) so it is recommended that Rule 7.3.14 be amended to facilitate this.

In terms of vehicle access and parking officers note that standard 7.6.4.1.4 requires that the access and parking is provided at the time of subdivision. This works for subdivisions around established developments, but does not work for the subdivision

of empty sections. To resolve this, Officers recommend amending Controlled Activity Rule 7.2.3 to note that subdivision must comply with the vehicular access and parking standards or demonstrate the ability to meet the standards. In terms of Rule 7.3.14 Officers propose to delete the reference to standard 7.6.4.1.4 and add “parking” to rule 7.3.14.1. The effect of this will be to enable any breach of the access and parking standards to be considered as a Discretionary Activity (Restricted).

As such, the proposed amended wording of Rules 7.2.3 and 7.3.14 is as follows:

7.2.3	<p><b>Company lease, cross lease and unit title subdivision is a Controlled Activity in respect of:</b></p>
7.2.3.1	<b>stormwater, sewerage and water supply</b>
7.2.3.2	<p><b>the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with servicing rules, and to ensure practical physical access to every household unit</b></p> <p><b>provided that all activities, buildings and structures and signs (existing and proposed) comply with the standards in section 7.6 relating to vehicle parking, loading, servicing and site access; buildings and structures; and signs. <u>In terms of Standard 7.6.4.1.4, applications must either meet the vehicle access and parking standards, or demonstrate an ability to meet these standards.</u></b></p> <p><b>The requirement to meet these standards may be waived if resource consent has been sought and granted for those aspects that do not comply, or the buildings has existing use rights under section 10 of the Resource Management Act.</b></p>
7.3.14	<p><b>Any subdivision not being a Permitted or Controlled Activity, except for subdivision within the Churton Park District Centre Concept Plan area, is a Discretionary Activity (Restricted) in respect of:</b></p>
7.3.14.1	<b>roading, access, site servicing <u>and parking</u></b>
7.3.14.2	<b>landscaping</b>
7.3.14.3	<b><u>earthworks</u></b>

*Subdivisions that trigger Rule 7.3.13 will be assessed against the provisions of the Subdivision Design Guide.*

**Submission 83** seeks the retention of Objectives 6.2.7 and 33.2.8, Policies 6.2.7.1 and 33.2.8.1, and Standards 7.6.4.1.8 and 34.6.4.1.8, relating to subdivision. This support should be accepted.

**Recommendation**

- **Accept** submission 118 insofar as it supports provisions in the Plan Change for 20 metre strips of esplanade land. **Reject** submission 118

- **Reject** submission 9 insofar as it requests additional provisions to require esplanade reserves to be taken along the coastal edge.
- **Accept** in part submission 22 insofar as it requests an additional paragraph be included under Policy 33.2.8.1 that acknowledges the waiver of esplanade provision on subdivision within the Operational Port Area.
- **Reject** submission 22 insofar as it requests an amendment to Rule 34.3.14 to include a further consideration regarding the provision of esplanade reserve for subdivision adjacent to the coastal marine area.
- **Accept** submission 83 insofar as it requests greater recognition for the Historic Places Act 1993 and archaeological sites
- **Accept** submission 55 insofar as it requests the amendment of Standard 7.6.4.1.3 as it relates to access to right of ways.
- **Accept in part** submission 55 insofar as it seeks amendments to the subdivision policies, rules and standards.
- **Accept** submission 83 insofar as it requests the retention of Objectives 33.2.8 Business Areas and 6.2.7 Centres, Policies 33.2.8.1 Business Areas and 6.2.7.1 Centres and Standards 34.6.4.1.8 Business Areas and 7.6.4.1.8 Centres as notified.

#### **4.19 HSNO/contaminated land/discharge of contaminants**

##### Submissions

Specific issues raised in submissions include:

- Delete Rules 7.3.5.13 and 34.3.4.13 (**Submission 31**).
- Delete Rule 7.3.5.13 relating to the discharge of contaminants (**Submission 64**).
- Include reference in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure (**Submission 22**).
- Amend Rule 34.1 to provide for the upgrade and maintenance of inground utility services and infrastructure on contaminated or potentially contaminated sites (**Submission 22**).
- Renumber 34.1.4 to 34.1.5 and amend Rule 34.1.5 to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites (**Submission 22**).
- Where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice (**Submission 9**).

##### Discussion

**Submissions 31 and 64** seek the deletion of Rules 7.3.5.13 and 34.3.4.13, relating to the discharge of contaminants, as this is a function that is under the jurisdiction of Greater Wellington Regional Council rather than Wellington City Council. These submissions should be accepted.

**Submission 22** requests that a reference be included in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure (HFSP) relating to CentrePort's Operational Port Areas.

Hazardous substances in storage in operational port areas are exempt from the application of the HFSP provisions but operations must be conducted in accordance with an approved Hazardous Substances Management Plan.

While a special situation applies in operational port areas it is noted that there is a long list of other exemptions under the HFSP rules and it is not considered that any particular one should be highlighted in Policy 33.2.12.1. The Policy is of a generic nature which identifies the importance of safe-guarding Wellington's environment from the adverse effects of hazardous substances and the use of the HFSP procedures but does not address all aspects of the rules. It is believed that the policy as worded is appropriate and should not become too detailed.

A note in the margin under provision 33.2.12.5 refers to the exemptions to the HFSP provisions and it is considered that this provides adequate acknowledgement and guidance for those using the Plan.

**Submission 22** requests an amendment to Rule 34.1 to provide for the upgrade and maintenance of inground utility services and infrastructure on contaminated or potentially contaminated sites. It is argued that the District Plan does not appear to provide for necessary works such as the repair or replacement of pipes or cables or the resurfacing of parking areas on contaminated or potentially contaminated land.

A related submission also requests that Rules 34.1.4 to 34.1.5 be renumbered and Rule 34.1.5 amended to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites.

As the Commissioners will be aware the issue of contaminated land was recently addressed through District Plan Change 69. This change introduced a stand alone set of provisions relating specifically to contaminated land and became operative on 9 March 2010. At this time CentrePort raised questions about the implementation of the new provisions with regard to the upgrading and maintenance of inground utility services and infrastructure. It was suggested that such works should be a permitted activity. However, as no submission had been made on this issue the matter could not be addressed under DPC 69 but a record was taken for consideration of a possible change to the contaminated land provisions at a future time.

In the meantime the submission has taken the opportunity to raise the issue under DPC 73. However, it is considered that as matters relating to contaminated land are now covered under the new Chapters 31 and 32 it would be unhelpful to include further rules under particular zones. If this was to happen there is the potential for the rules to become 'lost'. For administrative reasons it is considered important therefore that all contaminated land provisions remain in the one place. Accordingly, it is not recommended that this submission be accepted.

Until such time as changes to the contaminated land provisions are considered the type of works identified by the submission in this case will remain subject to the approved contaminated land rules. These provide that where it is confirmed that land is not contaminated, works may proceed as a permitted activity. While this will involve some additional assessment the resource consent planners advise that for what might be defined as minor works the rules will be implemented in a practical and pragmatic way.

**Submission 9** requests that where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice.

It is acknowledged that while proposals involving nuclear materials may generate some local or wider community fear or anxiety such activities are nevertheless highly regulated under the RMA and other legislation. Public safety is the prime consideration.

It is considered therefore that established processes are appropriate and if the required standards are met then proposals may proceed as a permitted activity. The nature of materials involved should not necessarily justify public notification under the RMA in all cases. It is recommended that this submission not be accepted.

### Recommendations

- **Accept** submissions 31 and 64 insofar as they request deletion of Rules 7.3.5.13 and 34.3.4.13 relating to the discharge of contaminants.
- **Reject** submission 22 insofar as it requests the inclusion of a reference in Policy 33.2.12.1 to Hazardous Substances exemptions from the Hazardous Facilities Screening Procedure.
- **Reject** submission 22 insofar as it requests that Rule 34.1 be amended to provide for the upgrade and maintenance of inground utility services and infrastructure on contaminated or potentially contaminated sites.
- **Reject** submission 22 insofar as it requests that Rules 34.1.4 to 34.1.5 be renumbered and Rule 34.1.5 be amended to provide for the upgrade and maintenance of paved yards and parking areas including on contaminated or potentially contaminated sites.
- **Reject** submission 9 insofar as it requests that where nuclear energy is processed for medical use, affected persons should be served with notification albeit a courtesy notice.

## **4.20 Flooding/coastal hazards**

### Submissions

Specific issues raised in submissions include:

- Include an objective and policies in chapter 6 to maintain and enhance the coastal environment, acknowledging the hazards unique to the coast (**Submission 131**).
- Amend Policy 6.2.8.5 to be consistent with proposed Policy 33.2.11.5 (**Submission 131**).
- Delete Controlled Activity Rule 7.2.2 relating to flooding hazards (**Submission 131**).
- Add a note to Rule 7.3.7.3 to state that it would only apply where Rule 7.4.4 does not. Further, change the non-notification statement for Rule 7.3.7.3 to reflect that GWRC is an affected party for these resource consents (**Submission 131**).
- Delete Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area (**Submission 55**).
- Modify the non-notification/service statement for Rule 7.3.9 to clarify that GWRC is an affected party for such applications. Modify Rule 7.3.9 to widen

the discretion provided for under this rule to read as follows, or words to like effect:

7.3.9 *In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to buildings, including accessory buildings and structures, which are more than 10 metres from the Porirua Stream and its tributaries<sup>1</sup> and which have a floor area above the 1 in 100 year flood event are Discretionary Activities (Restricted) in respect of:*

7.3.9.1 *building and structure floor levels and building floor area*

7.3.9.2 *building and structure location within the site*

7.3.9.3 *the displacement of flood waters from the site*

7.3.9.4 *effects of the proposal on the erosion and flood hazard risks and stream maintenance access (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Retain Rule 7.4.4 (**Submission 131**).
- Amend Standard 7.6.2.3.1 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries, and so the standards read as follows, or words to like effect:

7.6.2.3.1 *No structure or building shall be located closer than:*

- *10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north;~~ and its tributaries<sup>1</sup> or the coastal marine area; or*
- *5 metres to any other water body, excluding artificial ponds or channels” (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Include an additional policy (and accompanying explanatory text) under Objective 33.2.10 that specifically addresses natural hazards unique to the coastal environment (**Submission 131**).
- Retain Policy 33.2.11.5 and amend the first two paragraphs of the explanation to clarify what is intended as follows:

*“Flooding problems exist in The Porirua Stream catchment is subject to flood events which can range in severity from small annual events to much larger ones. The Porirua, Takapu and Stebbings Stream form part of a wider flood protection network that includes dams and culverts in Churton Park, Takapu and Seton Nossitor Park. This is managed and maintained by Wellington Regional Council. To protect the safety of building occupants, the Council will ~~generally~~ require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. Wellington*

Regional Council, Wellington City Council and Porirua City Council are updating the flood hazard information during 2010.

*Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites. Council is particularly concerned that buildings within 10 metres of the Porirua Stream could impede the flow of flood waters and increase the risk of flooding to other properties ~~in the respective catchments~~. Buildings and structures located within 10 metres of the Porirua Stream and its tributaries ~~in this situation have therefore been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered~~" (Submission 131).*

- Delete Controlled Activity Rule 34.2.2 relating to flooding hazards and the accompanying note (Submission 131).
- Add a note to Rule 34.3.9.3 to state that it would only apply where Rule 34.4.10 does not. Further, change the non-notification statement for Rule 34.3.9.3 to reflect that Greater Wellington is an affected party for these resource consents (Submission 131).
- Modify the non-notification/service statement for Rule 34.3.11 to clarify that GWRC is an affected party for such applications. Modify Rule 34.3.11 to widen the discretion provided for under this rule as follows, or words to like effect:

*34.3.11 The construction of, alteration of, and addition to, buildings, including accessory buildings, and structures which are more than 10 metres from the Porirua Stream or its tributaries<sup>1</sup> within the Tawa Hazard (Flooding) Area, ~~and that are not Controlled Activities; or more than 5 metres from the Takapu Stream within and/or the Takapu Hazard (Flooding) Area~~ are Discretionary Activities (Restricted) in respect of:*

*34.3.11.1 building floor levels and building floor area*

*34.3.11.2 building and structure location within the site*

*34.3.11.3 the displacement of flood waters from the site.*

*34.3.11.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access (Submission 131).*

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

- Retain Rule 34.4.10, modifying the wording to be consistent with Rule 7.4.4 (Submission 131).
- Amend Rule 34.4.10 to include exemption to operational port area buildings and structures (Submission 22).
- Amend Standard 34.6.2.3.2 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries, and so the standards read as follows, or words to like effect:

*34.6.2.3.2 No structure or building shall be located closer than:*

- 10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north;~~ and its tributaries<sup>1</sup> or the coastal marine area; or
- 5 metres to any other water body, excluding artificial ponds or channels” (**Submission 131**).

<sup>1</sup> Any part of the Stebbings Stream from the toe of the Stebbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

### Discussion

**Submission 131** requests that an objective and policies be included in chapter 6 to maintain and enhance the coastal environment, acknowledging the hazards unique to the coast. **Submission 131** also requests that an additional policy (and accompanying explanatory text) be included under Objective 33.2.10 that specifically addresses natural hazards unique to the coastal environment. Officers do not consider that it is appropriate to include a policy into the plan when no consideration has been given to the degree of risk posed by the hazard, the area subject to the hazard, or the types of activities that may be at risk.

**Submission 131** supports Policy 6.2.8.5 as it relates to flooding in the Porirua Stream catchment, though recommends changes to add references to the Takapu Hazard (Flooding) Area, and add generic text about the management of the Porirua Stream catchment. The submission also notes that proposed Policy 33.2.11.5 includes references to coastal hazards, and suggests that this wording could also be used in Policy 6.2.8.5.

It is noted that there are no Centres that are near or adjoin the coastal marine area or the Takapu Hazard (Flooding) Area, therefore it is not appropriate or necessary to amend either the policy or the explanatory text to refer to either coastal hazards or the Takapu Hazard (Flooding) Area.

The additional text proposed in the submission relating to the management of the Porirua Stream is useful however in providing context for structures within Hazard (Flooding) Areas. It is therefore considered appropriate to include these additional words. However, rather than adding any specific dates, as this will immediately date, the officer recommends just stating that the flood hazard information will be reviewed and updated on a periodic basis. Under the Watercourses Agreement with Greater Wellington Regional Council, GWRC manage the maintenance and flood mitigation of the Porirua Stream. It is therefore recommended that the first two paragraphs of the explanation under Policy 6.2.8.5 be reworded as follows:

*Flooding problems exist in the Porirua Stream catchment is subject to flood events which can range in severity from small annual events to much larger ones. The Porirua, Takapu and Stebbings Stream form part of a wider flood protection network that includes dams and culverts in Churton Park, Takapu and Seton Nossitor Park. This is managed and maintained by Wellington Regional Council. To protect the safety of building occupants, the Council will generally require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. The Porirua Stream flood hazard information will be reviewed and updated by the Greater Wellington Regional Council on a periodic basis.*

*Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites. Council is particularly concerned that buildings within 10 metres of the Porirua Stream could impede the flow of flood waters and increase the risk of flooding to other properties ~~in the respective catchments~~. Buildings and structures located within 10 metres of the Porirua Stream, and with a floor level below the 1 in 100 year flood event in this situation have ~~therefore~~ been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered.*

**Submission 131** seeks the deletion of Controlled Activity Rule 7.2.2 relating to flooding hazards. The submission considers that Council should take a cautious approach to allowing development in areas subject to flood risk (i.e. the Tawa Hazard (Flooding) Area), and should retain discretion over development in flood hazard areas to ensure that risks are minimised. The submission argues that there should be no controlled activities in the Tawa Hazard (Flooding) Area and therefore Rule 7.2.2 should be removed.

The submission also seeks the deletion of Controlled Activity Rule 34.2.2 relating to flooding hazards for the reasons stated above. The submission also raises questions on why the structure of rules relating to the Tawa Hazard (Flooding) Area differs between the Centres and Business Areas, and notes that the advice note adjacent to the rule states that if the Standards in 34.6.1 are not met, then Rule 34.3.9 also applies. The submission believes that this is unintended and either the standards in 34.6.2 or Rule 34.3.4 were meant to be referred to. Like with Rule 7.2.2, the submission argues that there should be no controlled activities in the Tawa Hazard (Flooding) Area and therefore Rule 34.2.2 should be removed.

It is considered appropriate to delete both controlled activity rules 7.2.2 and 34.2.2 as it is agreed that Council should retain discretion over development in flood hazard areas to ensure that risks area minimised.

**Submission 131** also requests that Rules 7.3.9 and 34.3.11 be amended to widen the scope of discretion provided for under these rules. The submission asserts that the discretion be extended to the effects on erosion, flood hazard risks and stream maintenance. It is considered appropriate to widen the scope of discretion, as requested, to ensure that the natural hazard effects are given thorough investigation.

It is also considered appropriate to take this opportunity to clarify the wording of all of the Hazard (Flooding) Area rules and remove any confusion created by the drafting of the current proposed rules. It is therefore recommended that Rules 7.2.2 and 34.2.2 be deleted, and that Rules 7.3.9, 7.4.4, 34.3.11 and 34.4.10 be redrafted as follows:

7.3.9	In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to buildings, including accessory buildings and structures, which are more than 10 metres from the Porirua Stream and which have a floor area above the 1 in 100 year flood event are Discretionary Activities (Restricted) in respect of:	<i>If the proposal does not comply with the standards for buildings and structures in 7.6.2, Rule 7.3.7 applies in addition to this Rule.</i>
7.3.9.1	building and structure floor levels and building floor area	
7.3.9.2	building and structure location within the site	
7.3.9.3	the displacement of flood waters from the site	

**7.3.9.4 effects of the proposal on the erosion and flood hazard risks and stream maintenance access.**

***For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in 'Section Chapter 23. Utility Rules' of the District Plan.***

*Non-notification/ service*

In respect of Rule 7.3.9 applications ~~do not need to~~ will not be publicly notified ~~and do not need to be served on affected persons (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.~~

**Relevant policies for preparing resource consent applications**

See policies ~~6.2.5.1 – 6.2.5.6~~ 6.2.8.1, 6.2.8.3 – 6.2.8.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**7.4.4 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to, buildings, including accessory buildings, or structures, which are not Permitted Activities or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).**

***For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in 'Section Chapter 23. Utility Rules' of the District Plan.***

**Relevant policies for preparing resource consent applications**

See policies 6.2.8.1, 6.2.8.3 – 6.2.8.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**34.3.11 Within an identified Flood Hazard (Flooding) Area, The the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures which are:**

- **more than 10 metres from the Porirua Stream within the Tawa Hazard (Flooding) Area, ~~and that are not Controlled Activities~~; or**
- **more than 5 metres from the Takapu Stream within the Takapu Hazard (Flooding) Area; and**
- **which have a floor level above the 1 in 100 year flood event**

**are Discretionary Activities (Restricted) in respect of:**

*If the activity does not comply with standards for activities in 34.6.1, Rule 34.3.9 applies in addition to this Rule.*

34.3.11.1 **building and structure floor levels and building floor area**

34.3.11.2 **building and structure location within the site**

34.3.11.3 **the displacement of flood waters from the site.**

34.3.11.4 **effects of the proposal on the erosion and flood hazard risks and stream maintenance access.**

“For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in ‘Section Chapter 23. Utility Rules’ of the District Plan.”

*Non-notification/ service*

In respect of Rule 34.3.11 applications ~~do not need to~~ will not be publicly notified ~~and do not need to be served on affected persons~~ (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party.

**Relevant policies for preparing resource consent applications**

See policies ~~33.2.4.1 – 33.2.4.8, 33.2.5.1 – 33.2.5.2, 33.2.11.1, 33.2.11.3 – 33.2.11.5, 33.2.11.4~~

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

34.4.10 **Within an identified Flood Hazard (Flooding) Area, The the construction of, alteration of, and addition to, buildings, including accessory buildings, and structures: which are not Permitted Activities or Discretionary Activities (Restricted)**

- ~~less than 10 metres from the Porirua Stream within the Tawa Hazard (Flooding) Area, or~~
- ~~less than 5 metres from the Takapu Stream within the Takapu Hazard (Flooding) Area, or~~
- ~~less than 10 metres from the coastal marine area~~

**are Discretionary Activities (Unrestricted)**

“For the purposes of clarification, this Rule does not apply to network utility infrastructure, as they are provided for in ‘Section Chapter 23 Utility Rules’ of the District Plan.”

**Relevant policies for preparing resource consent applications**

See policies 33.2.11.1, 33.2.11.3 – 33.2.11.5

Note that this is an indicative list of relevant policies; applicants should check all policies for relevance to a particular consent application.

**Submission 131** requests the addition of a note to Rules 7.3.7.3 and 34.3.9.3 to state that these rules would only apply where Rules 7.4.4 and 34.4.10 do not. **Submission**

**131** also requests that Standards 7.6.2.3.1 and 34.6.2.3.2 be amended to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries. The submission considers that the current wording of the standards (i.e. “the intersection of Main Road (Tawa) and Middletown Road and extending north”) is confusing as Main Road (Tawa) and Middletown Road do not intersect, and it is therefore unclear as to what intersection is meant. The submission considers that the restriction on buildings should apply throughout the area susceptible to hazard and access issues and ask that it be applied along the length of Porirua Stream and its tributaries, which would include any part of the Stebbings Stream from the toe of the Stabbings Dam, the outlet from the Seton Nossitor Dam and the Takapu Stream from the northern boundary of the Takapu Industrial Area.

Officers consider that if a building or structure could exacerbate a flood event, or be at risk from a flood, then this would be better dealt with using the Flood Hazard Area controls, rather than a generic yard standard. Officers understand that Greater Wellington is in the process of remodelling the flood hazard zone for the Porirua Stream. If this results in changes to the extent area then the planning maps will need to be updated as part of a future plan change.

Officers do accept that Greater Wellington needs to be able to maintain access to Porirua Stream in order to undertake flood management works, and the 10 metre yard along Porirua Stream is supported for this reason. However Officers are not convinced that a 10 metre wide yard is required or justified along the tributaries suggested in the submission. The Officers therefore recommend that the yard standards be amended as follows:

#### **7.6.2.3 Yards**

7.6.2.3.1 No structure or building shall be located closer than:

- 10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north~~; provided that this standard does not apply to areas located within an identified Hazard (Flooding) Area, which are dealt with under Rules 7.3.9 and 7.4.4; or
- 5 metres to any other water body, excluding artificial ponds or channels.

7.6.2.3.2 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.

#### **34.6.2.3 Yards**

34.6.2.3.1 Where any site adjoins the coast the minimum yard width is 10 metres measured from mean high water springs except at Shelly Bay where the design guide will apply.

34.6.2.3.2 No structure or building shall be located closer than:

- 10 metres to the Porirua Stream ~~from the intersection of Main Road (Tawa) and Middleton Road and extending north~~; provided that this standard does not apply to areas located within an identified Hazard (Flooding) Area, which are dealt with under Rules 34.3.11 and 34.4.10; or
- 10 metres to the coastal marine area, excluding artificial ponds or channels; or
- 5 metres to any other water body, excluding artificial ponds or channels.

- 34.6.2.3.3 No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.
- 34.6.2.3.4 Standards 34.6.2.3.1 to 34.6.2.3.3 do not apply to areas used for port activities in the Miramar/Burnham Wharf Operational Port Area.

Officers request that the submission provide advice to the hearing as to where the main Porirua Stream channel commences.

Amending these standards should help avoid any confusion created. Also, by amending the wording of these standards, it will be unnecessary to add an advice note to state that these rules would only apply where Rules 7.4.4 and 34.4.10 do not.

**Submission 131** further requests that the non-notification/service statements for Rules 7.3.7.3, 7.3.9, 34.3.9.3 and 34.3.11 be amended to reflect that the Wellington Regional Council is an affected party for these resource consent applications.

Given that the flood protection network is managed and maintained by the Wellington Regional Council, it is appropriate to amend the non-notification statements of Rules 7.3.9 and 34.3.11, so that Greater Wellington Regional Council are an affected party for these resource consent applications. As it is recommended to amend Standards 7.6.2.3.1 and 34.6.2.3.2 (as previously discussed), it is considered unnecessary to amend the non-notification statements for Rules 7.3.7.3 and 34.3.9.3.

**Submission 55** requests that as Rules 7.2.2 and 7.3.9 are almost identical, Discretionary Restricted Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area should be deleted. As previously discussed, it is considered inappropriate to delete Rule 7.3.9, as Council should retain some discretion over buildings and structures within the Tawa Hazard (Flooding) Area to ensure that any risks are minimised.

**Submission 131** requests that Rule 7.44 be retained. The support of **Submission 131** should be accepted, however it is considered appropriate to amend the wording of Rule 7.4.4 slightly for clarification.

**Submission 131** requests that Policy 33.2.11.5 be retained, but that the explanation be amended by adding generic text about the management of the Porirua Stream catchment, and to clarify what is intended by the policy. As discussed previously, the additional text proposed in the submission relating to the management of the Porirua Stream is useful in providing context for structures within Hazard (Flooding) Areas. It is therefore considered appropriate to include these additional words. Like with the explanatory text under Policy 6.2.8.5, however, rather than adding any specific dates, as this will immediately date, the officer recommends just stating that the flood hazard information will be reviewed and updated on a periodic basis. Under the Watercourses Agreement with Greater Wellington Regional Council, GWRC manage the maintenance and flood mitigation of the Porirua Stream. To be consistent with the explanatory text under Policy 6.2.8.5, it is therefore recommended that the first two paragraphs of the explanation under Policy 33.2.11.5 be reworded as follows:

*~~Flooding problems exist in~~ The Porirua Stream catchment is subject to flood events which can range in severity from small annual events to much larger ones. The Porirua, Takapu and Stebbings Stream form part of a wider flood protection network that includes dams and culverts in Churton Park, Takapu and Seton Nossitor Park. This is managed and maintained by Wellington Regional Council. To protect the safety of building occupants, the Council will generally require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. The Porirua Stream flood hazard information will be*

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basis.

*Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites. Council is particularly concerned that buildings within 10 metres of the Porirua Stream could impede the flow of flood waters and increase the risk of flooding to other properties in the respective catchments. Buildings and structures located within 10 metres of the Porirua Stream, and with a floor level below the 1 in 100 year flood event in this situation have therefore been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered.*

**Submission 131** supports Rule 34.4.10 however believes that it would assist in administering this rule if it were consistent with Rule 7.4.4. It is agreed that the current drafting of Rule 34.4.10 is unclear, and so as previously discussed, the officer recommends taking this opportunity to redraft Rule 34.4.10 to be consistent with Rule 7.4.4 and to avoid confusion.

**Submission 22** requests that Rule 34.4.10, relating to the construction, alteration of, and addition to, building and structures, less than 10 metres from the coastal marine area be amended to include an exemption to operational port area buildings and structures, as the nature of port operations also makes it impractical for this rule to apply to the Operational Port buildings and structures. The submission therefore requests that the exemption note at the bottom of Rule 34.4.10 reads as follows:

- “For the purposes of clarification, this Rule does not apply to Operational Port Area buildings and structures, or Network utility infrastructure, as they are provided for ...

It is considered appropriate to exempt operational port area buildings and structures from this rule as this will be consistent with the Central Area provisions.

### Recommendation

- **Reject** submission 131 insofar as it requests the requests the addition of a policy in Chapters 6 and 33 regarding coastal hazards.
- **Accept in part** submission 131 insofar as it requests amending the explanatory text of Policy 6.2.8.5 to be consistent with proposed Policy 33.2.11.5.
- **Accept** submission 131 insofar as it requests deleting Rule 7.2.2 relating to flooding hazards.
- **Reject in part** submission 131 insofar as it requests adding a note to Rule 7.3.7.3 to state that it would only apply where Rule 7.4.4 does not.
- **Reject** submission 131 insofar as it requests changing the non-notification statement for Rule 7.3.7.3 to reflect that GWRC is an affected party for these resource consents.
- **Reject** submission 55 insofar as it requests deleting Rule 7.3.9 relating to the Tawa Hazard (Flooding) Area.
- **Accept** submission 131 insofar as it requests modifying the non-notification/service statement for Rule 7.3.9 to clarify that GWRC is an affected party for such applications.
- **Accept in part** submission 131 insofar as it requests retaining Rule 7.4.4.

- **Accept in part** submission 131 insofar as it requests amending Standards 7.6.2.3.1 and 34.6.2.3.2 to clarify that building restrictions should apply throughout the area susceptible to hazard and access issues, including along the length of Porirua Stream and its tributaries.
- **Accept in part** submission 131 insofar as it requests retaining Policy 33.2.11.5 and amending the explanation.
- **Accept** submission 131 insofar as it requests deleting Rule 34.2.2 and the accompanying note.
- **Reject in part** submission 131 insofar as it requests adding a note to Rule 34.3.9.3 to state that it would only apply where Rule 34.4.10 does not.
- **Reject** submission 131 insofar as it requests changing the non-notification statement for Rule 34.3.9.3 to reflect that Greater Wellington is an affected party for these resource consents.
- **Accept** submission 131 insofar as it requests modifying the non-notification/service statement for Rule 34.3.11 to clarify that GWRC is an affected party for such applications.
- **Accept in part** submission 131 insofar as it requests retaining Rule 34.4.10, modifying the wording to be consistent with Rule 7.4.4.
- **Accept** submission 22 insofar as it requests amending Rule 34.4.10 to include exemption to operational port area buildings and structures.

#### **4.21 Low impact design, stream and vegetation protection**

##### Submissions

Specific issues raised in submissions include:

- Supports objectives and methods which incorporate low impact design, facilitating energy efficient building design (**Submission 118**).
- Provide a clearer expression of planning support for sustainable development practices and green building technologies (**Submission 118**).
- Establish a register of mature, visually prominent trees and bush to be afforded protection in the District Plan (**Submission 9**).
- Support policies that encourage the identification and protection of woody vegetation, areas dominated by indigenous vegetation and riparian vegetation (**Submission 23**).
- Provide stronger rules to prevent adverse alterations to waterways, especially during the subdivision planning and development process. Utilise Low Impact Urban Development principles to assist with improving water quality (**Submission 23**).
- Stronger protection against removal of and damage to existing areas of native vegetation, and provide for the use of natural soak surfaces for stormwater control (**Submission 118**).
- Consider including rules regarding minimum distance that houses should be above mean high water springs (**Submission 23**).

### Discussion

The support of **submission 118** regarding the objectives and methods which incorporate low impact design, facilitating energy efficient building design should be accepted.

**Submission 118** considers that the District Plan should provide a clearer expression of planning support for sustainable development practices and green building technologies. While officers would be comfortable with the provision of further incentives for developing 'green buildings', unfortunately the District Plan is a fairly blunt tool for achieving this. The only incentives that the District Plan can offer is increased development potential. In the context of centres and business areas this generally means larger buildings or more commercial and/or residential units. Officers concluded that in established centres and business areas it would be difficult to provide for additional development potential because communities already have expectations as to the density and scale of buildings that might be built in their local area.

In March 2008 the latest amendments to the Building Code came into effect. Under the code all new buildings (excluding industrial buildings, ancillary buildings etc) are required to achieve certain energy efficiency standards or BPI (building performance indicators). Consideration is given to the types of materials, insulation levels, lighting etc used in the proposed building. Although not perfect the new code is a major step forward in terms of improving the energy efficiency of new buildings.

Given the improvements made to the Building Code, officers concluded that at this time, the most effective approach to green buildings to recognise their benefits in policy (so they could be balanced up in a consent application) and to remove any potential barriers contained within the existing district plan provisions. The current policies are considered to be consistent with this approach.

In regards to sustainable development practices, the Plan already contains a number of mechanisms to help manage the impact of subdivision and development on the natural environment, including ensuring the integration of environmental sustainability principles. These include the subdivision design guide, controls on earthworks, and policies encouraging the minimisation of hard surfacing and the retention of visually prominent trees and bush. The current plan provisions are therefore considered to adequately express sustainable development practices.

**Submissions 9, 23 118** generally support policies promoting the retention of vegetation, but request that the plan go further to identify and protect significant trees or areas of significant indigenous vegetation.

At present the District Plan only protects listed heritage trees. Recent amendments to the RMA removed Council's ability to put in place blanket vegetation protection rules. Accordingly any new vegetation protection rules would need to be targeted at specific trees or areas of vegetation. In order to ensure consistency any such areas would ideally be selected following a city-wide survey of existing vegetation, including centres, open space, rural and residential areas. Officers consider that this work cannot be implemented as part of DPC 73 and recommend that it be included as part of the upcoming 10 yearly review of the plan.

**Submission 23** requests stronger controls to prevent adverse alterations to waterways, especially during the subdivision planning and development process. **Submission 118** requests that the plan provide for the use of natural soak surfaces for stormwater control.

Officers note that there are limits on the extent to which the District Plan can deal with these issues, as the Regional Council is the consenting authority responsible for managing discharges to water and air, and the diversion or piping of streams.

However the District Plan does contain a number of mechanisms to help manage the impact of earthworks, subdivision and development on the natural environment. These include the subdivision design guide, controls on earthworks within 5 metres of a stream, and policies encouraging the minimisation of hard surfacing and the retention of visually prominent trees and bush. The current plan provisions are therefore considered to adequately address the issues raised.

**Submission 23** suggests that Council consider the inclusion of a rule regarding the minimum distance houses should be above mean high water springs, to help maintain the coastal environment and create safer set backs in the event of storms and sea level rise. Officers do not support this change at this time on the basis that further work would be required before Council could assess the need for additional controls to help manage effects relating to sea level rise and coastal storm events. Officers also note that there are no Centres located within or adjacent to the coastal marine area, and only a couple of Business Areas, so there is little scope for new residential development in these areas to cause impacts. For Business Areas, the proposed plan provisions include yard standards requiring that no structure or building be located closer than 10 metres to the coastal marine area.

#### Recommendation

- **Accept** submission 118 insofar as it supports objectives and methods which incorporate low impact design, facilitating energy efficient building design.
- **Accept** submission 23 insofar as it supports policies that encourage the identification and protection of woody vegetation, areas dominated by indigenous vegetation and riparian vegetation.
- **Reject** submissions 9, 23 and 118 insofar as they request that the plan go further to identify and protect significant trees or areas of significant indigenous vegetation.
- **Reject** submission 23 insofar as it requests providing stronger rules to prevent adverse alterations to waterways, especially during the subdivision planning and development process.
- **Reject** submission 118 insofar as it requests that the plan provide for the use of natural soak surfaces for stormwater control.
- **Reject** submission 118 insofar as it requests providing a clearer expression of planning support for sustainable development practices and green building technologies.
- **Reject** submission 23 insofar as it requests the consideration of the inclusion of rules regarding minimum distance that houses should be above mean high water springs.

#### **4.22 Building efficiency and sustainability**

##### Submissions

Specific issues raised in submissions include:

- Supports Objectives 6.2.4 and 33.2.5 (Building Efficiency and Sustainability) (**Submission 118**).

### Discussion

The support of **submission 118** regarding the objectives and methods relating to building efficiency and sustainability should be accepted.

### Recommendation

- **Accept** submission 118 insofar as it Objectives 6.2.4 and 33.2.5 (Building Efficiency and Sustainability).

## **4.23 Transmission lines**

### Submissions

Specific issues raised in submissions include:

- Retain without further modification Objective 33.2.8 and Policy 33.2.8.1 relating to subdivision, and Objective 33.2.9 and Policy 33.2.9.3 relating to the national grid (**Submission 43**).
- Requests that the Council change the first word of Policy 33.2.9.1, regarding transmission lines, from 'restrict' to 'control' (**Submission 85**).
- Retain without further modification the requirement for all buildings/structures in Rules 34.1.6 and 34.2.2 to comply with the Buildings and Structures Standards in Section 34.6 (**Submission 43**).
- Retain without further modification the requirement for all subdivision in Rules 34.1.6 and 34.2.2 to comply with the Subdivision Standards in Section 34.6 (**Submission 43**).
- Retain without further modification Subdivision Rules 34.1.9; 34.2.3, and 34.3.14 (**Submission 43**).
- Retain without further modification Building and Structures Rule 34.3.9.6, but amend the notes following Rule 34.3.9.6 (proximity to high voltage transmission lines) as follows:

*"Non-notification/ service...*

*In respect of item 34.3.9.6 (proximity to high voltage transmission lines) ~~the written approval of affected persons (other than the transmission line owner) will not be necessary. Notice of applications need not be served on affected persons and applications need not be publicly notified and need not be served on any affected party, other than Transpower New Zealand Limited~~" (**Submission 43**).*

- Retain without further modification Subdivision Standard 34.6.4.1.10 (**Submission 43**).
- Retain without further modification Building and Structures Standard 34.6.2.6, but amend to include the following:

*"All new trees/vegetation planted in the vicinity of any transmission line should at a mature height, not encroach upon the relevant growth limit zone [or notice zone] for the line, as defined in the Electricity (Hazards from Trees) Regulations 2003" (**Submission 43**).*

- Amend the Business Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines (**Submission 43**).
- Identify transmission corridors on the Wellington City District Planning maps as follows:
  - A 24-metre wide (12 metres either side of the centre line of the transmission line) non complying zone along the transmission line; and
  - A 20-metre wide ‘assessment zone’ each side of the 24-metre wide corridor (**Submission 43**).
- Amend the definition of ‘minor upgrading’ to include a greater range of works on the national grid transmission lines (**Submission 43**).

### Discussion

DPC73 contains rules and standards regarding buildings and structures located within close proximity of high power transmission lines. These lines are also shown on the planning maps to aid plan users.

**Submission 43** generally supports the controls proposed, but have requested a number of amendments to the policies, rules and standards that relate to the transmission lines. These are:

- Retain Rule 34.3.9.6, but amend the non-notification statement attached to the rule to clarify that Transpower NZ Ltd may be considered to be an affected party. This submission is supported on the basis that it is consistent with the National Policy Statement on Electricity Transmission (NPSET). As such, Officers suggest the following wording:

*“Non-notification/ service...*

*In respect of item 34.3.9.6 (proximity to high voltage transmission lines) ~~the written approval of affected persons (other than the transmission line owner) will not be necessary. Notice of applications need will not be served on affected persons and applications need not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited will be considered to be an affected party to any application located within 32 metres of a high voltage transmission line~~” (**Submission 43**).*

- Amend Standard 34.6.2.6 to include a control on the mature height of trees/vegetation planted within the vicinity of any transmission line. Officers do not support this request. The National Policy Statement on Electricity Transmission (NPSET) provides Transpower NZ Ltd with the necessary tools to manage vegetation in close proximity to transmission lines. Inclusion of the requested standard would transfer responsibility for monitoring and enforcing the vegetation controls to Wellington City Council, with is neither practical nor desirable. Officers consider that it is more efficient and appropriate for Transpower to retain responsibility for ensuring that vegetation does not impact on the national grid network.
- Amend the Business Areas Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines. Officers consider that there is marginal benefit in including the suggested design guidelines in the Business Areas Design Guide. The majority of the guidelines relate to creation of open space beneath

transmission lines and ensuring that new lots can accommodate a building/dwelling outside of the transmission corridor. These matters are most relevant to new 'greenfield' subdivisions and less relevant to the integrated design, siting, height, bulk and form assessment covered by the Business Areas Design Guide. Officers consider that some of the suggested guidelines would be appropriately incorporated into the Subdivision Design Guide, but this is beyond the scope of DPC73.

- Amend the definition of 'Minor Upgrading' to include a greater range of works on the national grid transmission lines. Officers note that this definition relates to the Utilities chapter, and consider that amendments to this definition fall outside of the scope of DPC73.
- Amend the planning maps to show the 'transmission corridors' that follow the national grid transmission lines that traverse Wellington. Officers support this submission on the grounds that it will assist plan users to determine which properties are subject to special controls regarding transmission lines.

**Submission 85** requests that the Council change the first word of Policy 33.2.9.1, regarding transmission lines, from 'restrict' to 'control'. The submission asserts that land owners should have the right to use their land for social and economic benefits, but that by using the word 'restrict' in Policy 33.2.9.1 is inappropriate and could be interpreted as not allowing the construction of buildings in close proximity to transmission lines, where the adverse effects on these lines are mitigated. The submission considers that other provisions under DPC73 would ensure that existing transmission line operations are not adversely affected by new development.

Officers consider that the current wording of the policy is appropriate, given that the NPSET clearly identifies the national significance of the need to operate, maintain, develop and upgrade the electricity transmission network. The word 'control' implies that some development may be appropriate near high voltage transmission lines, however as Transpower New Zealand Limited will be considered an affected party for any development that does not comply with the standards relating to transmission lines, ultimately, the written approval of Transpower will be required before Council are likely to grant consent to any development that cannot comply with these standards. In addition, if the wording of the policy was amended, Policy 33.2.9.1 would then be inconsistent with similar policies in the Residential and Rural Areas chapters of the District Plan. For these reasons, Officers consider that this submission should be rejected.

### Recommendation

- **Accept** submission 43 insofar as it requests retention of policies, rules and standards relating to transmission lines.
- **Accept** submission 43 insofar as it requests that Transpower be considered as an affected party in relation to Rule 34.3.9.6.
- **Reject** submission 43 insofar as it requests the inclusion of standards regarding vegetation within the transmission corridor.
- **Reject** submission 43 insofar as it requests additional design guidance for works in the transmission corridor.
- **Accept** submission 43 insofar as it requests that transmission corridors be identified on the Wellington City District Planning maps.

- **Reject** submission 43 insofar as it requests that the definition of ‘minor upgrading’ be amended to include a greater range of works on the national grid transmission lines.
- **Reject** submission 85 insofar as it requests that Council change the first word of Policy 33.2.9.1, regarding transmission lines, from ‘restrict’ to ‘control’.

#### **4.24 Non-notification statements**

##### Submissions

Specific issues raised in submissions include:

- Amendment of non-notification statements in both the Centres and Business Areas chapters (**Submissions 9, 19, 31, 56, 64, 78, 79, 108 and 117**).

##### Discussion

The RMA contains a presumption that resource consent applications will be notified unless the applicant can demonstrate that the effects generated by a proposal will be no more than minor. The Act does however provide scope for Council to nominate certain Controlled and Restricted (Discretionary) Activities that do not require public notification (or notice to be served on affected parties) even if the effects are potentially more than minor. In general Council applies these non-notification (or non-service) statements in situations where a ‘public good’ assessment is being undertaken that does not impact on specific individuals, or when Council is undertaking a specialist, expert assessment that is unlikely to be understood by or have a direct impact on any individual.

It is considered that non-notification statements are generally more appropriate when Council is considering an aspect of an activity that is considered to be generally appropriate for the location, rather than when Council is undertaking a more fundamental assessment as to whether the activity itself is appropriate for the proposed location.

One potential difficulty with notification is that the process can be open to misuse. There have been examples around the country of trade competitors becoming involved in the RMA process, causing delays and increasing the time and cost for all parties. This provides a disincentive to opening up the consent process to third parties. However officers note that the 2009 amendment to the RMA went to some lengths to prevent trade competitors from hi-jacking the consent process.

Officers also note that the absence of a non-notification clause does not mean that an application would automatically be publicly notified. If the assessment of environmental effects indicates that the proposed activity would have no more than minor effect on the environment then a resource consent application may well be able to be processed on a non-notified basis.

**Submission 9** considers that affected neighbours should always be advised of development on adjoining sites even if it in the form of a courtesy letter. The submission supports Council’s current practise of sending courtesy letters to neighbours when resource consents are lodged with Council. This support should be noted.

**Submission 19** considers that for significant developments, the developer should be asked to consult with affected residents or a recognised group representing the

community. The submission considers that the special circumstances criteria need to be reduced.

**Submission 56** requests that Policies 6.2.3.8 (zone interface), 6.2.3.9 (building heights) and 6.2.5.2 (traffic effects) be strengthened to require the Council to specifically address whether the developer should be asked to consult with affected residents or a recognised group representing the community, and where the concerns of the affected residents are not met, Council to notify the residents via special circumstances.

In response Officers note that the 'special circumstances' test is embedded in the RMA and its application is defined through case law. It is not possible for Council to alter the thresholds for when special circumstances apply as part of this plan change.

**Submission 108** supports the rules providing for non-notification and service throughout section 7.3. This support should be accepted.

**Submission 108** seeks the addition of a new Standard 7.3.5.5 (construction noise) to the non-notification/service statement. Officers note that it is proposed to delete the standard for construction noise, so no non-notification statement is required.

**Submission 108** requests the amendment to the references to non-notification / service for Rules 7.3.6, 7.3.7, 34.3.9 as all matters restricted for discretion are more appropriately dealt with by the Council on a non-notified basis. **Further submissions 2 and 13** support this submission with regard to Rules 7.3.6 and 7.3.7. **Further submission 18** opposes submission 108 in part, and requests that if a non-notification clause is added to Rule 7.3.6.3, there should be an exemption to allow limited notification to the NZTA.

**Submissions 64, 78 and 79** requests that Council amend rule 7.3.6 to broaden the range of matters covered by the non-notification statement. **Further submission 13** supports these submissions, while **further submission 18** opposes these submissions in part.

Officers agree that all of Rule 7.3.6, which provides for urban design assessments, should be covered by a non-notification statement as this involves a public good assessment. This would also be consistent with the application of urban design rules elsewhere in the Plan.

Officers do not agree with the amendments sought by **submission 108** to the non-notification statements for rules 7.3.7 and 34.3.9. These rules cover buildings and structures that do not comply with the standards specified in the plan. If these breaches generate a significant impact on an adjoining property then Officers consider it appropriate that there is scope to include the owner of the land in the consent process.

**Submission 64** seeks an amendment to the non-notification clauses associated with Rule 7.3.7 so that the consideration of breaches of the street frontage and display window provisions are subject to the non-notification statement. **Further submission 13** supports this submission. As these matters are covered by a non-notification statement in the Central Area officers support this submission for consistency, and because they relate primarily to technical urban design matters.

**Submission 117** seeks amendments to the non-notification/service provisions of Rules 7.3.1, 7.3.5, 7.3.10, 7.3.12, 34.3.1, 34.3.4, 34.3.12 and 34.3.13 to provide for NZTA as an affected party when a breach of site access and parking standards would adversely impact on the state highway network. **Further submission 18** partially opposes this submission. Officers agree in part, but recommend that NZTA only be considered to be an affected party to any application that involves a site that fronts a state highway.

**Submission 78** requests that Rule 7.3.4, which deals with integrated retail developments over 20,000 sq.m in size, be amended so that any such development in the sub-regional centre of Johnsonville and Kilbirnie are covered by a non-notification statement. **Further submission 13** supports this submission. **Further submission 18** opposes submission 78 in part. Officers do not support **submission 78** on the basis that an integrated retail development in Johnsonville or Kilbirnie could still have a significant adverse effect on the viability and vitality of the Golden Mile, in which case notification of an application may be justified.

**Submission 31** requests that the non-notification statements that are associated with the following rules be amended to ensure they are consistent with recent amendments to the RMA:

Centres: Rules 7.2.1, 7.2.2, 7.2.3, 7.3.1, 7.3.2, 7.3.3, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13 and 7.3.14

Business Areas: Rules 34.2.1, 34.2.2, 34.2.3, 34.3.1, 34.3.2, 34.3.3, 34.3.4, 34.3.5, 34.3.6, 34.3.9, 34.3.10 and 34.3.11

**Further submission 13** supports this submission. Officers support this submission on the grounds that the 2009 amendment to the RMA has resulted in the need to make minor wording changes to the existing non-notification statement contained in the plan. These wording changes do not alter the intent or application of the statements, but are required to bring the statements into line with the new wording of the Act. The revised wording is shown below:

*Non-notification*

In respect of rule X applications will not be publicly notified (unless special circumstances exist) or limited notified.

*Recommendation*

- **Note** submission 9 insofar as it supports Council's current practise of sending courtesy letters to neighbours.
- **Reject** submissions 19 and 56 insofar as they request that Council amend the threshold for the application of special circumstances.
- **Accept** submission 108 insofar as it generally supports the use of non-notification statements in section 7.3.
- **Accept** submissions 64, 78 79 and 108 insofar as they request expansion of the non-notification statement applying to Rule 7.3.6
- **Reject** submission 108 insofar as it requests amendments to the non-notification statements for rules 7.3.7 and 34.3.9
- **Accept** submission 64 insofar as it seeks an amendment to the non-notification clauses associated with Rule 7.3.7 so that it covers the consideration of breaches of the street frontage and display window provisions
- **Accept in part** submission 117 insofar as it is proposed to consider NZTA an affected party to any breach of the access and parking standards under Rules 7.3.1, 7.3.5, 7.3.10, 7.3.12, 34.3.1, 34.3.4, 34.3.12 and 34.3.13.
- **Reject** submission 78 insofar as it requests a non-notification in Rule 7.3.4 to cover integrated retail developments in Johnsonville and Kilbirnie.
- **Accept** submission 31 insofar as request that the non-notification statements be updated to reflect recent amendments to the RMA.

#### **4.25 Public land**

##### Submissions

Specific issues raised in submissions include:

- One submission considers that there should be no privatisation of public land without the consent of citizens and that buildings on paper roads should be demolished at the owners cost, and the land made good by re-planting etc. the submission also considers that there needs to be a new rule to guide those considering the monitoring and use of shared spaces, and redesignation of any public space should be at the cost of the proposer (**Submission 9**).

##### Discussion

**Submission 9** raises concerns regarding the privatisation of public land, particularly the construction of buildings on paper roads. At present any building or structure on legal road requires both resource consent and an encroachment license from Council. The resource consent allows consideration of design, amenity protection, visual character in coastal areas, and safety.

While officers can appreciate the submissions concerns, they do not think that it is practical to increase the level of regulation for buildings on legal road. Given Wellington's challenging topography it is not always possible to locate private building on the site to which they relate. Officers consider that the current plan provisions provide an appropriate assessment process.

##### Recommendation

- **Reject** submission 9 insofar as it requests stronger controls for new buildings and structures on public land.

#### **4.26 Tangata whenua**

##### Submissions

Specific issues raised in submissions include:

- Supports the recognition of Te Tiriti o Waitangi through special provision for tangata whenua involvement in decision making, including a respect for Maori cultural values and specific consultation (**Submission 118**).

##### Discussion

The support of **submission 118** should be accepted.

##### Recommendation

- **Accept** submission 118 insofar as it supports the recognition of Te Tiriti o Waitangi through special provision for tangata whenua involvement in decision making, including a respect for Maori cultural values and specific consultation.

## 4.27 Other/general

### Submissions

Specific issues raised in submissions include:

- That minor typos be amended to clarify the intent of the provisions (**Submission 83**).
- Include reference to “Business Areas” on page 3/3 of Chapter 3 (**Submission 22**).
- That the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district (**Submission 65**).
- Balancing the economic impact of any new or refurbished centres should be seen as an imperative (**Submission 9**).
- The District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions (**Submission 9**).
- The cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought (**Submission 19**).
- Amend Standard 34.6.5.3.3 to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting (**Submission 5**).
- Rewrite Standards 7.6.1.10.1 and 7.6.1.10.8 into one standard (**Submission 55**).
- Remove the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas (**Submission 109**).
- Definitions should be written in plain English (**Submission 9**).
- Appropriate definitions to clarify the effect of the rules (**Submission 57**).
- **Submissions 19** and **56** request that the Council review the effects of the operation of the District Plan every three years and that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects.
- **Submission 56** also requests that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved.

### Discussion

**Submission 83** seeks that minor typos be amended to clarify the intent of the provisions, including the margin notes of Rules 7.3.6 and 7.3.7 where they refer to rule numbers. **Submission 82** requests that the rules table for Chapter 7 be corrected to refer to the correct rule number. Officers recommend accepting these submissions insofar as they request minor corrections.

**Submission 22** requests the inclusion of a reference to “Business Areas” on page 3/3 of Chapter 3. Officers recommend accepting this submission as the provision referred to in the submission (i.e. ‘applying for any consents you need’) also applies to Business Areas.

**Submission 65** requests that the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district. The importance of Brooklyn as a thoroughfare for traffic in and out of the central business district is acknowledged. However, specific consideration of the suburb of Brooklyn in the plan provisions is considered unnecessary. Brooklyn centre is covered by the plan provisions and transport issues already form one of the factors that must be considered when assessing consent applications. Objective 6.2.5 specifically addresses access and transport, and this objective is supported by a series of six policies to ensure that transport-related impacts of proposed new development are adequately considered.

**Submission 9** considers that balancing the economic impact of any new or refurbished centres should be seen as an imperative. Officers agree that this is an important consideration in assessing applications for new development/redevelopment in Centres. The Centres Policy recognises the economic importance of Centres and the importance of supporting and encouraging their vitality. One of the key aims of the plan is to encourage well performing, attractive centres that provide for a range of goods, services and facilities to meet the needs of local communities. It is therefore considered that the current plan provisions adequately recognise and provide for this and that further recognition is unnecessary.

**Submission 9** also states that the District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions. Simple current guides listing some of the hurdles to seeking and challenging consents should be readily available.

Officers acknowledge the issue raised and the need for readily available information to assist consent applicants. There is an existing summary guide to the District Plan which provides guidance to the public on how to understand and interpret the plan. In addition, the rule tables included at the beginning of the “Rules” chapters provide a useful summary of activities, clearly indicating whether the activity is a permitted activity or requires consent. Information on the plan, as well as how to lodge a submission, is currently available from Council offices, service centres and website. Officers consider it appropriate for the development of any new guidance material to be included as part of the considerations of the upcoming 10 yearly review of the plan.

**Submissions 19** and **56** consider that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought.

While officers acknowledge the issue raised, the difficulty with this submission is the practical one of obtaining information about current and planned developments which may or may not go ahead. This would create a large degree of uncertainty in processing any application. The submission is therefore not supported.

**Submission 5** requests an amendment to Standard 34.6.5.3.3 to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting. Officers recommend accepting this submission as the property is located in proximity to Kiwi Point Quarry.

**Submission 55** requests that Standards 7.6.1.10.1 and 7.6.1.10.8, regarding the screening of activities, be rewritten into one standard. It is assumed that the Standards referred to by this submission are 7.6.1.10.1 and 7.6.1.10.2 (not 7.6.1.10.8 as this does not exist). These standards are consistent with the screening standards in the operative plan, as well as more recent plan changes such as Plan Change 48. The submission is therefore not supported.

**Submission 109** seeks the removal of the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas which states:

*“Because of the industrial nature of the activities in such areas, lower levels of amenity are acceptable compared with other areas in the city.”*

The submission asserts that “this sentence gives the impression that Council employees and society generally do not care for amenity in workplaces.”

One of the basic principles behind the Plan is to ensure appropriate kinds of development take place in appropriate places. Inherent in this principle is the notion that some areas will have higher levels of amenity than others. Removing this bullet point would have the effect of diluting this principle, and is therefore not supported.

**Submission 9** requests that definitions in the plan be written in plain English. Officers endeavour to write definitions in plain English that are easy to understand. However sometimes this is not possible due to the technical nature of the subject matter, and the need for definitions to be as clear, accurate and unambiguous as possible.

**Submission 57** requests appropriate definitions to clarify the effect of the rules. Officers consider that the proposed new definitions relating to retail activities are appropriate and relevant to give effect to the rules.

**Submissions 19** and **56** request that the Council review the effects of the operation of the District Plan every three years. The Resource Management Act requires the District Plan to be reviewed at least every 10 years, but the Act also provides that the Council can commence a full review of the plan at any time. These provisions provide the Council with flexibility to be able to review the plan provisions as and when the need arises. Reviewing the plan and the effects of its operation every three years would be very time and resource intensive. A more flexible review approach is preferred, therefore officers do not support the submission.

**Submission 56** also requests that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved. Under the Resource Management Act, the Council is required to review the District Plan at least every 10 years. This includes assessing the effectiveness of the plans policies and rules. Including a special requirement in the plan in relation to the specified policies and rules would be inconsistent with the approach adopted in remainder of the plan, therefore the submission cannot be supported.

**Submission 117** supports Policy 33.2.3.2 relating to the use of concept plans to allow integration of land use and transport, rather than gradual development of an area on an ad-hoc basis. The support of this policy is noted and officers recommend accepting the submission.

### Recommendation

- **Accept** submissions 82 and 83 insofar as they seek minor typos to be amended to clarify the intent and accuracy of the plan provisions.
- **Accept** submission 22 insofar as it seeks the inclusion of a reference to “Business Areas” on page 3/3 of Chapter 3.
- **Reject** submission 65 insofar as it requests that the suburb of Brooklyn be equally considered within the plan change, as it has one of the heaviest thoroughfares of traffic in and out of the central business district.
- **Note** submission 9 insofar as it considers that balancing the economic impact of any new or refurbished centres should be seen as an imperative.

- **Note** submission 9 insofar as it considers that the District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions.
- **Reject** submissions 19 and 56 insofar as they request that the cumulative effects of current and planned developments should be taken into account, not just the incremental effects triggered by the development for which consent is sought.
- **Accept** submission 5 insofar as it seeks that Standard 34.6.5.3.3 be amended to include 166 Fraser Ave to be notified by mail not less than one week in advance of blasting.
- **Reject** submission 55 insofar as it requests that Standards 7.6.1.10.1 and 7.6.1.10.8, relating to the screening of activities, be rewritten into one standard.
- **Reject** submission 109 insofar as it requests the removal of the sentence in the second bullet point in Section 33.1 Introduction relating to amenity values in Business 2 Areas.
- **Note** submission 57 insofar as it requests appropriate definitions to clarify the effect of the rules.
- **Note** submission 9 insofar as it requests that definitions be written in plain English.
- **Reject** submissions 19 and 56 insofar as they request that the Council review the effects of the operation of the District Plan every three years.
- **Reject** submission 56 insofar as it requests that Policies 6.2.2.1 to 6.2.2.8 and associated rules be amended to ensure the objective of a mixed community is actually achieved.
- **Note** submission 117 insofar as it supports Policy 33.2.3.2 relating to the use of concept plans to allow integration of land use and transport, rather than gradual development of an area on an ad-hoc basis.

## 5. CONCLUSION

Proposed District Plan Change 73 is a full review of the Suburban Centres chapter of the District Plan. DPC73 was introduced to assist in the management of effects resulting from activities in the city's Suburban Centres and incorporates Council's current strategic and policy directions. The plan change includes the following key changes:

- splitting the current Suburban Centre zone into two new zones, Centres and Business Areas, to recognise their differing roles, and better manage the activities that locate in these areas
- increased policy guidance regarding urban design and the management of retail activities
- the introduction of a new design guide for Centres and Business Areas to help improve the quality of new development
- rezoning of some parcels of land to better reflect existing uses

- amendments to other policies, rules, definitions and planning maps to improve the effectiveness of the Plan.

132 submissions and 18 further submissions were received on the plan change. All matters raised in submissions have been considered in this report to the Hearings Committee.

A wide range of amendments are recommended in response to submissions received, but in the main these are suggested to fine tune provisions and to clarify the existing aims of the Plan Change.

Changes have been recommended as part of the submissions process, but in the main these mostly clarify the existing aims of the Plan Change. It is not considered that any change is so significant that it undermines the intent of the original provisions notified in Plan Change 73.

*Contact Officers: Stefania Chrzanowska, Senior Policy Advisor, City Planning  
Sarah Edwards, Senior Policy Advisor, City Planning*

## Appendix 1: List of Submitters and Further Submitters

### Submissions were received from:

Submitter Number	Submitter Name
1	Mr & Mrs Trang
2	Perry Lark
3	Bernard O'Shaughnessy
4	Dale Mary McTavish
5	Stuart Haselden
6	Paul Smart
7	Lloyd Spackman
8	Peter Cox
9	Rosamund Averton
10	Rowan Lewis Hatch and Suzanne Helen Hatch
11	Paul Buckrell
12	Dale Gibbs
13	Antipodean Properties Ltd (Kilbirnie)
14	Antipodean Properties Ltd (Johnsonville)
15	Lincoln Butler
16	Graham and Margaret Webb
17	George Symmes
18	Susan Cockayne and David Robinson
19	Brent Cherry
20	Veronica Challies
21	Robert Hopkins
22	CentrePort Ltd
23	Astrid van Meeuwen-Dijkgraaf
24	Nigel and Beverley Frederikson
25	Chris Kirk-Burnnand
26	Shell New Zealand Ltd
27	Ross and Cristina Quidilla
28	Karori Baptist Church
29	Mark Kirk-Burnnand
30	Kalpana Vallabh Patel
31	Wellington City Council
32	Ngaio Progressive Association
33	The Karori Community Center (INC)
34	Rotary Club of Karori
35	Raewyn and Paul Williams
36	Gordon Purdie
37	Judith and Murray Harrison
38	Prof. Brian and Dr Margaret Patricia Halton
39	Armagh 4 Ltd
40	Vera Gallagher
41	WIAL Air Noise Management Committee
42	Wellington International Airport Ltd
43	Transpower New Zealand Limited
44	Barry Stuart R. Millage
45	Dr Joan Mosley
46	Helen Lockyer

47	Spiro and Helen Viatos
48	Edith and Clive Robinson
49	Susan and Gavin Weeks
50	Richard Rodney Ottaway
51	Helen and Dan Coffey
52	Cliff and Sandra Daly
53	Takapu Island Development Ltd
54	Armstrong Jones Management PTY Limited
55	Cardno TCB Ltd
56	Mt Cook Mobilised
57	Market Gardeners Ltd (Group of Companies)
58	Marsden Village Association Inc
59	Cockburn Architects Ltd
60	Bhikha Family Trust
61	Kiwi Property Holdings Limited
62	Ken and Rose Rigarlsford
63	Mrs Patricia Blackmore
64	Foodstuffs (Wellington) Co-operative Society Ltd
65	Bernard Te Uira (Bernie) Harris
66	Whispering Pines Estate Ltd
67	Stafford Property Investments Ltd
68	Total Property Company Ltd
69	Pelican Investments Ltd
70	Ngauranga Property Investments Ltd
71	Nazko Properties Limited
72	Goldsborough Property Investments Ltd
73	Denali Properties ltd
74	Pipeline Towers Limited
75	Westland Property Investments Ltd
76	Bunnings Limited
77	Strathmore Park Progressive & Beautifying Assoc.
78	DNZ Property Group Limited
79	Infratil Property Infrastructure Limited
80	Peng Hui Lim
81	Department of the Prime Minister & Cabinet
82	Hunters Hill Ltd
83	NZ Historic Places Trust
84	ING Property Trust No 1. Ltd (ING)
85	PrimeProperty Group (PPG)
86	Suman and Laxmi Parbhu
87	D and B Parbhu
88	Dianne Purdie
89	Beverley Jane Olive Evans
90	Staffan Gustavsson
91	David Neil Crabbe
92	Kathleen Sybil Mitchell
93	Roland Sapsford
94	Su-Wuen Ong
95	Jill and Graham Glover
96	John Carrick Harward
97	Graeme Smith
98	Greg and Pam Hoggard
99	Wivian Agneta Buckrell

100	Glen and Francesca Wright
101	Showground Properties Limited
102	Malcolm Hunt Associates
103	McDonald's Restaurants (New Zealand) Limited
104	Mark Sherriff and Karen Ming-Wong
105	Ben and Sarah Spencer
106	Wellington Chinese Baptist Church
107	Joy Elizabeth Luhman
108	Progressive Enterprises Limited
109	Glenside Progressive Association
110	Porirua City Council
111	Hylamn Holdings Limited
112	Gillian Bain and Dave Hames
113	Simon McLellan
114	Wellington Regional Chamber of Commerce
115	Living Streets Wellington
116	Paula Warren
117	NZ Transport Agency
118	Ann Louise Mitcalfe and Alexander Mitcalfe Wilson
119	Tony James Randle
120	George Bellhouse
121	Rob Olgivie and Michelle Lawrence
122	Roger Douglas Hay
123	Jean Chapman
124	Iqbal Manzoor Haque and Cara Nancibel Haque
125	Zaheda and Chris Davies
126	Paul Hunt
127	Angela Taylor
128	Diana Kincaid Dallas
129	Andrea Bland
130	Kay Hukins
131	Greater Wellington Regional Council
132	John Pavan

**Further submissions were received from:**

<b>Submitter Number</b>	<b>Submitter Name</b>
FS1	Progressive Enterprise Limited
FS2	Shell New Zealand Ltd
FS3	Sarah & Ben Spencer
FS4	Dorothy Joan & Anthony Noel Faircloth
FS5	Karori Community Hall Trust
FS6	Kiwi Property Holdings Ltd
FS7	Paulemas Properties Ltd
FS8	Christabella Boardman
FS9	DNZ Property Group Limited ("DNZ")
FS10	Barry John Lonergan
FS11	McDonald's Restaurants (New Zealand) Ltd
FS12	Wellington International Airport Limited (WIAL)
FS13	Antipodean Properties Ltd (Johnsonville)
FS14	Armstrong Jones Management PTY Limited
FS15	A Gibson

FS16	Tony Randle
FS17	Board of Airline Representatives Inc (“BARNZ”)
FS18	New Zealand Transport Agency (NZTA)