

Plan Change 80:

General Minor Amendments to District Plan Text and Maps VII

OFFICER'S REPORT FOR: District Plan Hearings Committee
SUBJECT: Plan Change 80: General Minor Amendments to District Plan Text and Maps VII
DATE OF HEARING: 27 April 2016

1. Introduction

Proposed District Plan Change 80 (DPC 80) is one of a series of changes that are initiated from time to time to make minor amendments to the District Plan.

2. Recommendations

It is recommended that the Hearing Committee:

- 1. Receive the information.*
- 2. Approves Plan Change 80 as publicly notified on 26 November 2015 subject to the amendments attached as Appendix 2.*
- 3. That all submissions be accepted or rejected to the extent that they accord with the above recommendations.*

3. Background

3.1 Legislative Requirements

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

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

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

The purpose and principles of the RMA are contained within Part 2 of the Act. The purpose of the RMA is to promote the sustainable management of natural and physical resources. There are no relevant considerations under sections 6 and 8 of the Act. However, section 7 of the RMA requires the Council to have particular regard to:

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

3.2 The Plan Change

DPC 80 is the result of ongoing District Plan maintenance and monitoring work. The Plan Change proposes to make minor amendments to the District Plan in order to ensure its efficient functioning. The changes include a number of text changes,

rezonings, and rule clarifications. Whilst the Plan Change does not involve any substantial changes to existing objectives and policies, it does include some minor amendments and additions to policy explanations.

The Plan Change comprises 28 separate changes to the District Plan. The rule changes are principally to the Residential, Centres and Business Area chapters and rectify errors or omissions identified when Plan Changes 72 (Residential) and 73 (Centres and Business Areas) were made operative. In the majority of cases, the proposed rezonings are to reflect existing land use or resolve inconsistencies between reserve areas.

The proposed rezonings relate to:

Council housing

- 190–206 Darlington Road, Miramar – Conservation Site to Outer Residential
- 49–59 and 67 Epuni Street, Aro Valley – Open Space B to Inner Residential and Open Space C
- 150 Cockayne Road, Ngaio – Open Space B to Outer Residential
- 16 Punjab Street, Khandallah – Open Space B to Outer Residential
- 23 Batchelor Street, Newlands – Open Space B to Outer Residential

Council reserves

- Truby King Park, Melrose – Outer Residential to Open Space B
- Bolton Street Memorial Park – Open Space A to Open Space B
- Wilf Mexted Reserve, 111 Collins Ave, Tawa – Business 2 Area to Conservation Site

Private property

- 17 Glover Street (previously legal road) – zone Business 2 Area
- 14 and 16 Kotinga Street, Kilbirnie – Open Space B to Outer Residential

Rule and minor policy changes relate to:

- inclusion of Glenside, Ngauranga and Fraser Avenue Business 1 Areas in the correct section of the maximum building height table (Standard 34.6.2.1.1)
- classification of Centres zoned properties in Park Road and Rotherham Terrace, Miramar as Neighbourhood Centre
- correction of the reference to earthworks in Appendix 7 of the Residential chapter (Silverstream Road)
- inclusion of a car parking standard for early childhood centres (Rule 5.3.3)
- inclusion of a cross-reference to Policy 12.2.1.2 in the explanation to Policy 4.2.7.3 to avoid the expansion of Central Area activities into adjoining Residential Areas

- correction of ratios in Residential Standards 5.6.2.7.1 (maximum height of infill development), and 5.6.2.9.3 (additions and alterations to buildings with an existing non-compliance)
- removal of adequate on-site car parking as a matter of discretion in Rule 34.3.6 (buildings for residential purposes)
- amend the non-notification clauses in Rules 5.3.4, 7.3.7 and 34.3.9 in relation to setbacks from streams and buildings in yards
- inclusion of additions and alterations to Rule 5.3.7 (multi-unit developments)
- inclusion of a side note to Residential Standard 5.6.2.9 (alterations and additions to buildings with an existing non-compliance)
- inclusion of a maximum height (3.5m) for accessory buildings not already covered by Residential Standard 5.6.2.5.4 (maximum height)
- removal of the operation date from Central Area Standard 13.6.2.1.3 (noise - electronic sound systems)
- reword Residential Standard 5.6.1.4 (site access).

Updates relate to:

- removal of the reference to Wellington Record Sheets in Section 3.2.3.6 (site plans)
- amending the definition of 'noise emission level' with the most recent Construction Noise Standard.

On 19 November 2015, the Transport and Urban Development Committee agreed to 'accept' DPC 80 for public notification. The Plan Change was publicly notified on 25 November 2015 and submissions closed on 18 January 2016. Nine submissions were received by the closing date and four late submissions were received. A waiver to the time limit for receiving submissions was granted by the Council's Chief Executive Officer (Kevin Lavery) on 28 January 2016 and the late submissions were accepted. The summary of submissions was publicly notified on 4 February 2016. No further submissions were received. One submission was withdrawn on 16 February 2016 and therefore has not been taken into account in this report.

3.3 Submitters

The submitters are listed below:

Original Submitters

1. Wellington Botanical Society
2. The Thorndon Society Incorporated
3. Friends of the Bolton Street Cemetery
4. Wellington City Council
5. Sean M Murrie
6. New Zealand Transport Agency
7. Philip and Camilla Peet
8. Peter and Sylvia Aitchinson
9. Warren and Robyn Young
10. Donna Yule
11. Greater Wellington Regional Council

12. Bruce Welsh

All submitters, except the Friends of the Bolton Street Cemetery, Wellington City Council, Sean M Murrie and Donna Yule wish to be heard in support of their submissions.

The submissions show that there is general support for DPC 80, but also some opposition to parts of this Plan Change. A variety of amendments have also been sought. The detailed summary of submissions is attached as Appendix 1.

This report focusses on the main points raised in submissions.

4. Submissions and Discussion

4.1 Submissions in support

Seven submissions support various parts of the Plan Change.

4.1.1 Thorndon Society Incorporated

The Thorndon Society Incorporated (submitter 2) supports the inclusion of a cross reference to Central Area Policy 12.2.1.2 in the explanation to Residential Area Policy 4.2.7.3 but also seeks several amendments:

- That the proposed wording in Policy 4.2.7.3 be included as a separate paragraph at the end of the policy.
- That in Policy 4.2.7.3 under the heading 'full conversion of a residential building to a non-residential use' a cross-reference to Policy 12.2.1.2 be included as follows or to the like effect:

In Inner Residential Areas adjacent to the Central Area, Policy 12.2.1.2 will also be taken into account.

- That in Policy 4.2.7.3 under the heading 'matters to consider when assessing applications for non-residential activities, including work from home activities' a cross-reference to Policy 12.2.1.2 be included.

Submitter 2 states that adding a cross-reference to Policy 12.2.1.2 as a separate paragraph at the end of the explanation to Policy 4.2.7.3 will highlight the policy as a separate matter requiring specific attention. A separate paragraph will also allow broader planning and environmental consideration relating to both the Central Area and adjacent Residential Areas to be taken into account. This is because the previous paragraph only deals with the protection of residential amenities. In addition, including a cross-reference to Policy 12.2.1.2 as a separate paragraph will provide greater certainty that the policy is not overlooked when Council officers are assessing resource consent applications.

Submitter 2 also states that the two additional cross-references as outlined above and in its submission will reinforce the need to take Policy 12.2.1.2 into account and

ensure it is not overlooked when Council officers are assessing resource consent applications.

A resource consent application for a non-residential activity and building on a residentially zoned site at 92 Tinakori Road, Thorndon is also referenced in submitter 2's submission as an example of the problems associated with administering the current District Plan provisions. However, it is not clear whether this is in relation to Policy 12.2.1.2 being overlooked when Council officers are assessing resource consent applications. Despite this, it is inferred.

Analysis

Policy 4.2.7.3 provides for a range of non-residential activities within Residential Areas, however at the same time it seeks to ensure that non-residential activities or development in Residential Areas do not have an adverse effect on those areas. For Inner Residential Areas adjoining the Central Area, the additional issue of the expansion of Central Area activities into the adjoining Residential Area may also be an issue. The Central Area contains a policy (12.2.1.2) that seeks to ensure that Central Area activities do not expand into the adjoining Residential Area, however its location in the Central Area chapter means it might be overlooked in resource consent applications.

DPC 80 proposes to include a cross reference to Policy 12.2.1.2 in the explanation to Policy 4.2.7.3 to ensure that for Inner Residential Areas, consideration is given to avoiding the expansion of Central Area activities into adjoining Residential Areas. However, submitter 2 has brought the location of the cross-reference in the explanation to Policy 4.2.7.3 into question, including the amount of times it is referenced in the explanation.

The purpose of policy explanations is to provide background as to what the objectives and policies are trying to achieve. Including a cross reference to Policy 12.2.1.2 as a separate paragraph at the end of policy explanation 4.2.7.3 does not provide such context as put forward by submitter 2.

A cross-reference under the heading 'full conversion of a residential building to a non-residential use' is not required. This is because the cross-reference will likely be overlooked by Council officers when they are assessing resource consent applications relating to Policy 4.2.7.3 as not all of these applications will involve this activity.

In my opinion, the most appropriate location for the cross-reference is under the heading 'matters to consider when assessing resource consent applications, including work from home activities' as suggested by submitter 2. Unlike residential development, there is no specific design guide within the District Plan against which to assess non-residential activities in Residential Areas. Instead, proposals must be assessed against the policy guidance set out within chapter 4 of the District Plan, and in particular the assessment matters comprised within the eleven bullet points under the explanations to policies 4.2.7.3 to 4.2.7.5. Therefore, including the cross-

reference under this heading will ensure that it is not overlooked by Council officers when assessing resource consent applications relating to Policy 4.2.7.3 and will also mean that it only needs to be included once in the explanation. It is also desirable to keep the District Plan as short as possible, making it easier for users to navigate. As such, I recommend that submitter 2's submission be accepted in part, but be worded as follows [underlined]:

Matters to consider when assessing applications for non-residential activities, including work from home activities, include:

...

- *Whether non-residential activities, particularly critical facilities proposed to be located in Residential Areas are sited in secure areas. It is important that the effects of natural disasters on the environment and such facilities are avoided, remedied or mitigated.*
- *When non-residential activities in Inner Residential Areas adjoin the Central Area consideration shall be given to Policy 12.2.1.2.*
- *Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.*

...

As noted above, submitter 2 has referenced a resource consent application at 92 Tinakori Road, Thorndon as an example of problems associated with administering the current provisions of the District Plan. However, Policy 12.2.1.2 was considered when this application was assessed by Council officers despite it not being in the explanation to Policy 4.2.7.3. This application was also declined by the commissioner based on the Council officer's recommendation. Therefore, I do not agree with submitter 2 on this issue.

4.1.2 Friends of the Bolton Street Cemetery

The Friends of the Bolton Street Cemetery (submitter 3) strongly support the Council's proposal to rezone a portion of the Bolton Street Cemetery from Open Space A to Open Space B. This is because it will realign the eastern portion of the Cemetery with the western portion, which is already zoned Open Space B. Submitter 3 also states that the proposed rezoning will better reflect the use of the site.

Analysis

The submitters support for the proposed rezoning is evident. It is considered that the proposed rezoning is appropriate and should be adopted as proposed without further need for discussion.

4.1.3 Wellington City Council

Wellington City Council (submitter 4) supports the proposed changes to Residential Vehicle Access Standard 5.6.1.4 but seeks the following amendments [highlighted]:

5.6.1.4 Site Access

~~5.6.1.4.1 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45.~~

~~There shall be a maximum of one vehicular access to a site except:~~

- ~~• No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45~~
- ~~• A site with more than one road frontage may have one access per frontage unless the second frontage is to a:
 - ~~- State Highway or a restricted road frontage (as shown on Maps 43-45)~~
 - ~~- An Arterial, Principal or Collector Road (as shown on Maps 33 and 34)~~~~

~~5.6.1.4.2 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with Section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.~~

~~5.6.1.4.3 There shall be a maximum of one vehicular access to a site, except that a site with more than one road frontage may have one access per frontage (unless the second frontage is to a State Highway).~~

~~5.6.1.4.4 The maximum width of any vehicular access is:~~

- ~~• 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge~~
- ~~• In Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units.~~
- ~~• 6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge)~~

~~5.6.1.4.5 On sites with frontage to a secondary street no access shall be provided to a primary street or state highway.~~

Submitter 4 states that in circumstances where a site has two road frontages, site access should be from the road that is not an Arterial, Principal or Collector Road.

Analysis

The proposed wording in the Plan Change document as notified, substitutes all the standards it seeks to replace in Residential Vehicle Access Standard 5.6.1.4 except for Standard 5.6.1.4.5. This means that arterial, principal and collector roads were omitted from the proposed wording. The amendments sought in the Council's submission seek to remedy this error.

The proposed wording as put forward by submitter 4 does make Residential Vehicle Access Standard 5.6.1.4 easier to understand and removes redundant wording. However, it does not provide for situations where if a site has two or more road frontages and one of them is to a state highway, arterial, principal or collector road or a restricted road frontage, where the site access will be from. As such, it does not prevent the site access being from a principal road for example, in a case where it would be more appropriate to have the site access from a local or sub-collector road. Therefore, I recommend that Standard 5.6.1.4 be reworded as follows [underlined]:

5.6.1.4 Site Access

5.6.1.4.1 Sites with one road frontage shall have a maximum of one vehicle access. Refer to Maps 33 and 34 for road hierarchy.

5.6.1.4.2 Sites with two or more road frontages may have one vehicle access per frontage, subject to 5.6.1.4.3 - 5.6.1.4.5. Refer to Maps 43-45 for restricted road frontages.

5.6.1.4.3 Sites with road frontages to:

- a State highway, or an Arterial, Principal or Collector Road; and
- one or more local or sub-collector roads (that do not have restricted road frontages)

may only have vehicle access to the local or sub collector roads.

5.6.1.4.4 Sites with two or more road frontages that are all categorised as:

- a State highway; or
- restricted road frontage; or
- Arterial, Principal or Collector roads

shall have a maximum of one vehicle access.

5.6.1.4.5 No vehicle access is permitted to a site across any restricted road frontage.

5.6.1.4.6 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.

5.6.1.4.7 The maximum width of any vehicular access is:

- 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge

- *in Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units.*
- *6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge)*

Substituting Residential Vehicle Standard 5.6.1.4 with the proposed wording means there are only two other references to primary and secondary streets in the District Plan. This is in Central Area Standard 13.6.1.3.18 and the Road Hierarchy definition. Given that there is no specific definition of primary and secondary streets in the District Plan and because they are often confused with 'primary and secondary street frontages' it is considered appropriate to remove all references to primary and secondary streets from Standard 13.6.1.3.18 and the Road Hierarchy definition as follows:

13.6.1.3.18 No access shall be provided to a ~~primary street~~ state highway, principal, arterial or collector road on a site that also has frontage to a ~~secondary street~~ local or sub-collector road.

Road Hierarchy: *means the hierarchy classification of roads as follows and as shown in District plan Maps 33 and 34.*

- *Motorway: high standard limited access roads designed to carry long distance through traffic at speed (~~primary road~~).*
- *Arterial Road: high standard limited access roads designed to carry long distance through traffic (~~primary road~~).*
- *Principal Road: roads that provide access to motorways and to arterial roads having a dominant through-traffic function and carrying the major public transport routes (~~primary road~~).*
- *Collector Road: roads that distribute traffic between and within local areas and form the link between principal and secondary roads (~~secondary roads~~).*
- *Sub-collector Road: roads that distribute within the local area and form the link between collector and local roads (~~secondary road~~).*
- *Local Road: roads that provide direct access to properties fronting the road and include both long and short cul-de-sacs (~~secondary road~~).*

4.1.4 Sean M Murrie

Sean M Murrie (submitter 5) supports the proposal to remove Standard 34.3.6.5 as a matter of discretion from Business Area Rule 34.3.6. Submitter 5 notes that this matter is appropriately addressed under Item 34.3.6.4.

Submitter 5 also seeks amendments to Rule 34.3.9's non-notification clause:

In respect of ~~item Rule~~ 34.3.9.4 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party to any

application that breaches standard ~~7.6.2.5.1~~ 34.6.2.4.2 in relation to Porirua Stream and tributaries.

~~In respect of the following items~~ item 34.3.9.8 (high voltage transmission lines) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application that breaches Standard 34.6.2.8.1. located within 32 metres of a high voltage transmission line:

- ~~• 34.3.9.4 (yards)~~
- ~~• 34.3.9.7 (verandahs)~~
- ~~• 34.3.9.10 (noise insulation and ventilation)~~

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:

- 34.3.9.7 (verandahs)
- 34.3.9.10 (noise insulation and ventilation)

Submitter 5 does not offer any explanation as to why he is seeking the above amendments to the non-notification clause in Rule 34.3.9.

Analysis

The support from submitter 5 in relation to the removal of Standard 34.3.6.5 as a matter of discretion from Business Area Rule 34.3.6 is noted. The additional point raised by the submitter reinforces the benefits of the proposed change.

Submitter 5 proposes two separate changes to the non-notification clause in Rule 34.3.9 relating to Greater Wellington Regional Council (GWRC). He also notes that the proposed wording in the Section 32 Report is different from that in the Plan Change document. It is the wording in the Plan Change document that is to be considered for inclusion in the District Plan.

In regards to the first change, matters of discretion are not rules, and therefore it is appropriate to refer to them as items. This is also consistent with how other matters of discretion are referred to in the District Plan.

Submitter 5 has also corrected the number of the standard that the GWRC wants to be notified of in the case of any breaches to it. This is appropriate given that the standard referred to in the Plan Change document is incorrect.

Submitter 5 also proposes several changes to the non-notification clause in Rule 34.3.9 relating to Transpower New Zealand Limited (Transpower). While submitter 5 offers no explanation as to why he is seeking the above amendments to this part of the non-notification clause, they do simplify it. The changes are accepted in full, however the wording 'proximity to high voltage transmission lines' should be

included in brackets after the standard number to provide context to the standards purpose and for consistency with other non-notification clauses in the District Plan. In addition, the wording '34.3.9.4 (yards)' should be inserted as a bullet point above '34.3.9.7 (verandahs)' due to it been omitted from the proposed wording as put forward by submitter 5. The revised wording is attached as Appendix 2 of this report.

4.1.5 The New Zealand Transport Agency

The New Zealand Transport Agency (submitter 6 or NZTA) generally supports DPC 80 in so far as it supports submitter 6's objective of achieving integrated transport planning. Specifically, submitter 6 supports the proposed changes to Residential Vehicle Access Standard 5.6.1.4 as long as the State Highway remains protected, particularly from inappropriate access.

Analysis

The points raised in submitter 6's submission are accepted. Submitter 6 has also advised that the NZTA is satisfied with the proposed wording in submitter 4's submission on Residential Vehicle Access Standard 5.6.1.4.

4.1.6 Peter and Sylvia Aitchison

Peter and Sylvia Aitchison (submitter 8) support the inclusion of a height limit for accessory buildings in Residential Standard 5.6.2.5.4 but request amendments to the proposed wording and Policy 4.2.4.1:

- that the maximum height of accessory buildings throughout all Residential Areas, including the Roseneath Height and Coverage Area (Appendix 6 to Chapter 5) be 3.0m.
- that the explanation to Policy 4.2.4.1 be amended as follows or to the like effect [underlined]:

Policy 4.2.4.1

.....

The scale and placement of new buildings, including accessory buildings, can have a significant impact on the amenity enjoyed by neighbouring properties; and

.....

Maximum building heights, including the maximum building height for accessory buildings, are specified at levels that recognise the scale of existing buildings in the area, while also providing scope to undertake a reasonable scale of building work and allowing sufficient flexibility to cope with variations in topography and slope and relationships to neighbouring properties. In the Outer Residential Areas the building height standards provide for a generous two-storey building. In the Inner Residential Area the heights are usually sufficient to facilitate three storey buildings, although accessory buildings are limited to a single storey.

.....

Analysis

A 3.0m height limit for accessory buildings (e.g. garages) is too restrictive. An enquiry into the typical heights (at the apex) of common single and double garages from manufacturers such as Totalspan Steel and Versatile buildings showed that they tend to be higher than 3.0m and are generally between 3.2-3.4m in height above ground level. In my view, requiring resource consents for accessory buildings such as garages that exceed this height limit is both inefficient and ineffective in achieving the objectives and policies of the District Plan.

The term 'all residential areas' includes the Roseneath Height and Coverage Area. The District Plan has a number of 'Residential Areas' within the Inner and Outer Residential Areas (IR and OR respectively) such as IR 2-6 and OR 2-4 that place more restrictive and/or permissive site coverage, yard and/or height limits on certain residential areas than those of the wider Inner and Outer Residential Areas. This is due to area specific issues such as topography, slope and character. Therefore, I do not recommend including the wording 'Roseneath Height and Coverage Area' in Standard 5.6.2.5.4 as proposed by submitter 8.

On reflection, the location of the proposed wording in the Standard potentially allows some accessory buildings to be excluded from the height limit in certain areas such as at the rear of existing buildings. To ensure that all accessory buildings are subject to the height limit, I have put forward new wording as follows:

5.6.2.5.4 Any accessory building in Residential Areas shall have a maximum height of 3.5 metres (measured from ground level directly in front of the proposed accessory building), except that accessory buildings erected between the street frontage and an existing residential building on a site in the Inner Residential Areas (as shown in Appendix 1), shall have a maximum height of 3 metres.

In relation to the proposed amendments to Policy 4.2.4.1, the wording 'including accessory buildings' and 'including the maximum building height for accessory buildings' are accepted. This is because there are separate definitions for buildings and accessory buildings in the District Plan and therefore it is considered appropriate to differentiate between them in the policy explanation.

With respect to the proposed wording 'and relationships to neighbouring properties' it is considered that height limits within the District Plan are generally set with regard to the relationship to neighbouring properties. In my opinion, a 3.5m height limit for accessory buildings is an appropriate height limit that takes this relationship into account (albeit not limited to) whilst providing for typical accessory buildings (e.g. proprietary single and double garages) as permitted activities.

In regards to the wording that states 'although accessory buildings are limited to a single storey' it is considered that this applies to both the Inner and Outer

Residential Areas. Therefore, I recommend that this be a separate sentence as opposed to being included in a sentence that relates solely to Inner Residential Areas.

Submitter 8's support for the inclusion of a height limit for accessory buildings in Residential Standard 5.6.2.5.4 is noted. However, a 3.0m height limit for these buildings as suggested by the submitter is rejected, including their proposal to insert the wording 'including the Roseneath Height and Coverage Area' to the Standard for the reasons I have outlined above. The proposed wording to Policy 4.2.4.1 is accepted subject to minor amendments as detailed in Appendix 2 of this report.

4.1.7 Donna Yule

Donna Yule (submitter 10) supports the inclusion of Residential Standard 5.6.1.3 as a standard that must be met in Rule 5.3.3. However, she considers that this does not address the current situation in that no parking standards apply to early childhood centres in Residential Areas with over 30 children. The submission also states that Standard 5.6.1.3 has been applied inconsistently by Council officers when assessing resource consent applications for early childhood centres in Residential Areas with over 30 children (Rule 5.4.1) Therefore, submitter 10 wants Standard 5.6.1.3's application to Rule 5.6.1 clarified.

Analysis

Submitter's 10's support for the addition of Standard 5.6.1.3 as a standard that must be met in Rule 5.3.3 of the District Plan is acknowledged and does not require further discussion.

Early childhood centres with over 30 children are assessed as unrestricted discretionary activities under Rule 5.4.1 of the District Plan. Discretionary activities mean that the Council retains full discretion over any effects it considers to be relevant to a particular resource consent application, including vehicle parking. This is because the effects of discretionary activities can vary so widely that it is difficult to prescribe matters of discretion to control them in advance. Such variation means that while some matters of discretion may apply to one application they may not apply to another. Therefore, vehicle parking (Standard 5.6.1.3) may not be 'consistently' applied to all discretionary activities but instead is applied to these activities on a case by case basis, which involves a site-specific assessment of the merits and effects of a particular resource consent application.

The submitter has requested clarification of Standard 5.6.1.3 in relation to Rule 5.4.1 of the District Plan. Clarity around discretionary activities is provided above. The submitter has not requested any additional changes to the proposed Plan Change and as such, no further action is required in relation to this submission.

4.2 Submissions in Opposition

4.2.1 Philip and Camilla Peet and Warren and Robyn Young

Philip and Camilla Peet (submitter 7) and Warren and Robyn Young (submitter 9) oppose rezoning part of 16 Punjab Street, Khandallah from Open Space B to Outer Residential. Both submitters bought their properties knowing that the land was reserve. Submitter 7 states that this land provides many benefits for them, such as the bush area and walking tracks. Submitter 9 was also of the understanding that the reserve status meant that the social housing cannot be rebuilt and/or sold.

While submitter 7 does not have any specific concerns about the houses themselves, they do have concerns about how the proposed rezoning could facilitate further development of the site including subdivision, intensification and/or selling the land. Submitter 7 is also worried about how such development could affect the amenity and environmental quality of their land as well as reduce the environmental benefits of the reserve land.

Both submitters have raised issues about the formed access way to 16 Punjab Street. Submitter 9 is concerned that the proposed rezoning will create the potential for increased vehicle movements resulting in traffic and safety effects. Both submitters also consider it will be unfair if the two houses at 16 Punjab Street were granted a right of way over the access way if they are not granted the same rights to the rear of their properties, despite it being the only access way to the social housing.

Submitter 7 does not understand the need to undertake the proposed rezoning and states that the houses can continue to operate on the site due to existing use rights. Submitter 9 also states that while the proposed rezoning is justified on the basis that it will enable the Council's housing stock to be better managed, it is inconsistent with the City's obligation to maintain the green belt. Therefore, the houses should continue to operate until they need to be retired and then revert back to reserve land, as the Council has at least until recently intended.

Analysis

The RMA provides a process for changing the District Plan and a change can be initiated by the Council or private persons. A District Plan is not a static document and the zonings and provisions within the District Plan can change over time. The Reserves Act 1977 (Reserves Act) also provides a process to revoke the status of reserve land if it is no longer required or used for that purpose. Therefore, while both submitters bought their properties knowing that 16 Punjab Street was zoned Open Space B and classified as reserve land it does not mean that the site will always have this zoning or classification, as this proposal shows.

If the proposed rezoning is approved, the new residential zone will follow a surveyed line and at a later stage be subdivided and go through the reserve revocation process. Given that the Reserves Act provides for such a process means the current reserve status does not prevent the social housing from ever being rebuilt or sold. At the time

of writing this report, I am not aware of any agreements made between the Council and landowners, or any other persons for that matter, that state that the social housing cannot be rebuilt or sold. Despite this, the Council has no plans to rebuild or sell the social housing in the short-medium term as discussed in more detail below.

The current zoning (Open Space B) of the site does not reflect its residential use. It also makes additions, alterations or redevelopment of the site difficult, as any residential development would not be supported by the Open Space objectives, policies and rules of the District Plan. Rezoning this portion of the site to Outer Residential will reflect how the site is currently being used and provide opportunities for the land to be managed appropriately. This means that additions, alterations and redevelopment (to an extent) will be able to be carried out without resource consent so long as they comply with the relevant standards (5.6.2) of the District Plan. Currently, a resource consent is required as an unrestricted discretionary activity for these activities under Rule 17.3.2 of the District Plan.

16 Punjab Street is designated as a 'natural reserve' under the Suburban Reserves Management Plan (2015). In preparing the Management Plan and considering the current proposal to rezone the social housing from Open Space B to Outer Residential, the Council's reserve planners assessed the ecological values of the site. Rebecca Ramsay (Council Reserve Planner) states in an email dated 14 March 2016 that as the social housing came before the reserve land it does not contribute to the ecological values of the reserve as a whole. Therefore, the proposed rezoning will not reduce the environmental benefits of the reserve land as suggested by submitter 9.

The Management Plan includes an 'action' for Odell Reserve (16 Punjab Street) which states that the social housing will be considered for disposal within the next 1-3 years if it is no longer required for that purpose. Despite this, Peter Hunter (Council's Best Practice Manager – City Housing) states in an email dated 16 March 2016 that the Council is not likely to do anything with the site for the next 5-10 years. If the Council decides to dispose of the social housing in the short-medium future it would be within its rights as a landowner regardless of the zoning.

Under a residential zoning, the site could be developed up to a maximum site coverage of 35% (this may be increased to 40% in some instances) and a maximum building height limit of 8m (an additional 1 metre can be added in some cases), subject to other standards. Under these standards, it is considered that any potential adverse effects on submitter 7's property or other neighbouring properties would be no more than minor, as any such redevelopment would be in keeping with the character of the surrounding environment and would not detract from the amenity of the immediate area. In order to breach any of the standards, a resource consent would be required, allowing the Council to assess any potential adverse effects.

The formed access way to 16 Punjab Street is the only entrance to the social housing. Given that it is the only access way to the property it is appropriate that a right of way be granted over the portion of the access way that is to remain as reserve land. A

separate footpath will likely be required along the northern side of the access way to maintain access to Odell Reserve and ensure pedestrian safety. A number of adjacent properties to the site currently use the access way to gain entry to the rear of their properties and believe they should also be granted a right of way over the access way. However, in my view, formalising such arrangements is beyond the scope of DPC 80.

While the social housing can continue to operate under existing use rights regardless of the zoning, the current zoning does not reflect the use of the site making it difficult for the Council to undertake alterations, additions and redevelopment of the site. In my opinion, the proposed rezoning will assist the Council in better managing its housing stock for the reasons I have outlined above and consequently, I recommend that both submissions (7 and 9) be rejected in full.

4.2.2 Bruce Welsh

Bruce Welsh (submitter 13) opposes the proposed changes to Residential Height Standard 5.6.2.5.4. Specifically, submitter 13 believes that the 3.5m height limit is an excessive and limiting requirement with little effect on others. Mr Welsh also states that an accessory building is typically a garage and that a single garage with a 15 degree roof pitch is approximately 3.1m in height while a double garage is approximately 3.5m. However, if the roof pitch was steeper (e.g. 30-40 degrees) the garage will be even higher. In addition, submitter 13 asserts that the requirement to obtain a resource consent for these simple structures adds another burden to home owners. He also considers that there are other structures which could be assessed as accessory buildings and easily be over 3.5m but otherwise be permitted activities.

Analysis

Accessory buildings are defined in the District Plan as follows:

means, in relation to any site, a building or structure, [including a fence or wall,] the use of which is incidental to any lawful activity under the Act or use on that site. [An accessory building may be either a separate building or structure or joined to another building or structure].

The District Plan does not currently contain a specific height limit for all accessory buildings in Residential Areas. At present it only places a 3.0m height limit on those accessory buildings erected between the street frontage and an existing residential building on certain sites in the Inner Residential Areas. Consequently, accessory buildings in residential areas not already covered by Residential Standard 5.6.2.5.4 can be built to the same standards as a dwelling.

In some instances, second dwellings have a height limit of 4.5m. The effects of an 8m high accessory building can potentially have a greater effect than a 4.5m high second dwelling and this has resulted in a permitted baseline argument for two and a half storey buildings being put forward, which have had unanticipated adverse effects on adjoining properties and the streetscape.

As detailed in section 4.1.6 above, an enquiry into the typical heights of common single and double garages revealed that accessory buildings are generally between 3.2-3.4m at the apex. This means that the proposed height limit will not result in the requirement for resource consents for typical accessory buildings as suggested by submitter 13. Other accessory buildings such as sheds are also a similar height to garages. Consequently, I recommend that Mr Welsh's submission be rejected in full.

4.3 Submissions in Support and Opposition

4.3.1 Wellington Botanical Society

Submitter 1 (Wellington Botanical Society) supports five of the proposed rezonings and opposes four of the proposed rezonings.

Submitter 1 supports the rezoning of Truby King Park, Bolton Street Memorial Park and Wilf Mexted Reserve, as the new zonings will ensure consistency across these areas. Submitter 1 also supports the rezoning of 14-16 Kotinga Street, Kilbirnie as both properties contain private dwellings and corrects an error in the District Plan. In addition, submitter 1 supports the rezoning of 49-59 and 67 Epuni Street, Aro Valley as it is consistent with the adjoining town belt. Submitter 1 also has no concerns regarding the rezoning of 23 Batchelor Street, Newlands given that it recently went through the reserve revocation process, which involved public participation.

Submitter 1 opposes four of the proposed rezonings relating to Council housing. The submitter's opposition is not based on the current open space and conservation values of these sites but rather is because some or all of the housing may have been developed without due consideration of the tenure/legal status under the Reserves Act, including other relevant documents such as the District Plan.

Submitter 1 also considers that no information has been provided on the Council's future plans for these sites and, as such, the submitter also wants to know whether rezoning the land would allow the Council to sell the land rather than retain it for social housing. In addition, it is not clear whether the Committee (presumably the Council's Transport and Urban Development Committee) intends to initiate the usual formal process for revoking the reserve status of the rezoned areas. Submitter 1 also see threats to reserve land in recent and proposed legislative changes that government has to increase land supply and wants the Council to be alert to these.

Analysis

Submitter 1's support for five of the proposed rezonings is noted and does not require further discussion.

The Council housing on the sites outlined in section 3.2 of this report (above), except 23 Batchelor Street, Newlands, were constructed prior to the application of the current zoning and, where applicable, before the reserves were gazetted. As a result,

consideration of the tenure/legal status under the Reserves Act and the District Plan has had little influence on the open space and conservation value of these sites.

While a residential zoning would allow each of these sites to be sold into private ownership, the Council currently has no immediate plans to do so. Peter Hunter (Council's Best Practice Manager - City Housing) states in an email dated 16 March 2016 that the Council has recently invested in some of the properties and intends to maintain a presence in them for the immediate future. For instance, the Council significantly upgraded the social housing at 49-59 and 67 Epuni Street, Aro Valley, which provides much needed inner city family accommodation and as such, the Council is unlikely to divest this property. It is also acknowledged that the Suburban Reserves Management Plan (2015) states that the portion of 16 Punjab Street, Khandallah, which contains the social housing, can be disposed of if it is no longer required for that use. However, the Council has no plans to do anything with the social housing at this site for at least the next 5-10 years as evidenced in Mr Hunter's email.

Of all the Council housing sites that are proposed to be rezoned, 16 Punjab Street, Khandallah and 190-206 Darlington Road, Miramar are the only ones that are gazetted under the Reserves Act. If the rezonings are successful, the Council will likely subdivide these properties and initiate the reserve revocation process, which will involve public participation.

While there are proposed legislative changes currently before the government which aim to increase land supply, this does not affect the reserve land at these sites as the social housing predates the reserve land and there will in my view, still be considerable open space and conservation land remaining at these sites.

The submitters support for five of the proposed rezonings is noted. However, I consider that the parts of its submission opposing the rezoning of parts of the four Council housing sites be rejected.

4.4 Neutral Submissions

4.4.1 Greater Wellington Regional Council

Greater Wellington Regional Council (submitter 11 or the GWRC) is neutral to DPC 80 but seeks amendments to the non-notification clauses in Residential Rule 5.3.4 and Centres Rule 7.3.7 [highlighted]:

Rule 5.3.4

Non-notification

In respect of items 5.3.4.6 (accessory building height), 5.3.4.9 (hazard (fault line), 5.3.4.12 (noise insulation – airport), and 5.3.4.13 (noise insulation – port noise) applications will not be publicly notified (unless special circumstances exist) or limited notified.

In respect of item 5.3.4.2 (yards) Greater Wellington Regional Council will be considered to be an affected party to any application that breaches standard 5.6.2.2.11 in relation to Porirua Stream and its tributaries (including the Takapu Stream), Makara and Ohariu Streams and outside the urban area of the Karori Stream.

In respect of rule ...

Rule 7.3.7

Non-notification/ service

In respect of Rule 7.3.7.5 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party to any application that breaches standard 7.6.2.5.1 in relation to Porirua Stream and tributaries (including the Takapu Stream), Makara and Ohariu Streams and outside the urban area of the Karori Stream).

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:

- *7.3.7.7 (primary and secondary street frontages and display windows)*
- *7.3.7.9 (noise insulation and ventilation)*

This non notification clause does not apply to applications for the properties zoned centres between 68-82 Aro Street.

Submitter 11 states that under the watercourses agreement with the Council, the GWRC maintains the Porirua and Takapu Streams and is responsible for the Makara and Ohariu Streams, including the Karori Stream outside of the urban area. The Takapu Stream is a tributary of the Porirua Stream and as such, Submitter 11 considers this Stream will also likely be covered by the change to the non-notification clause.

Analysis

The non-notification clause for Rule 5.3.4 currently requires written consent to be obtained from the GWRC for all general yard breaches under Standard 5.6.2.2.11. This was the result of significant amendments to this non-notification clause in Plan Change 72 (Residential). However, the GWRC have since indicated that they are only interested in non-compliances with general yards adjoining the Porirua Stream and its tributaries. Therefore, DPC 80 proposes to correct this unintended error.

The non-notification clause for Rule 7.3.7 currently requires the GWRC to be considered an affected party to all infringements of Standard 7.6.2.5.1 (yards). To be

consistent with the request relating to Rule 5.3.4, the GWRC has indicated that they are only interested in being an affected party to breaches relating to the Porirua Stream and its tributaries.

Despite the GWRC's previous advice, in its submission it has included the Porirua Stream and its tributaries, Makara and Ohariu Streams and the Karori Stream outside the urban areas as those it wants to be notified of in the case of any breaches to Standards 5.6.2.2.11 and 7.6.2.51. It is unclear as to why the Takapu Stream has been singled out as the only tributary that the GWRC wants to be notified of and whether this is the only tributary it is concerned about. In light of this uncertainty, it would be useful if the GWRC can provide further clarity on this matter at the hearing.

It is not considered appropriate to include the Makara and Ohariu Streams in the non-notification clauses to Rules 5.3.4 and 7.3.7. This is because a GIS analysis shows that neither of these streams are within the Residential or Centres zones and therefore, will not be triggered by Standards 5.6.2.2.11 and 7.6.2.5.1. It would also be helpful if the GWRC could provide clarity as to why it has requested these streams to be included in these non-notification clauses at the hearing.

It is also not considered appropriate to include 'Karori Stream outside of the urban area' in the non-notification clauses as it is not clear from the GWRC's submission as to exactly what is meant by the wording 'outside of the urban area'. As the District Plan does not define 'urban area', it would be useful if the submitter could provide clarity on what it considers 'outside of the urban area' to be in relation to the Karori Stream and why it wants it to be included in the non-notification clauses to Rules 5.3.4 and 7.3.7.

For the reasons outlined above, I do not recommend any of the proposed changes as put forward by the GWRC be included in the non-notification clauses to Rules 5.3.4 and 7.3.7.

5 Conclusion

Proposed District Plan Change 80 (DPC 80) proposes to make minor amendments to the District Plan to ensure its efficient functioning. Twelve submissions were received in relation this Plan Change, as outlined in section 3.2 above. After considering the issues raised in submissions, I have made various recommendations as to whether the submission points should be accepted or rejected. The final wording for these recommendations is contained in Appendix 2 of this report.

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

Appendix 1. Summary of Submissions



PROPOSED DISTRICT PLAN CHANGE 80:

General Minor Amendments to District Plan Text and Maps VII

Summary of Submissions

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

February 2016

Submission No.	Name	Address for Service	Wishes to be heard
1	Wellington Botanical Society C/- Bev Abbott	40 Pembroke Road, Northland, Wellington 6012	Yes

Submission

- Supports five of the proposed rezonings.
- Has concerns about four of the proposed rezonings where officers advise that rezoning to 'housing' is necessary because it is not efficient to have social housing on reserve land. These concerns have arisen from the limited nature of the Section 32 Report.
- The papers presented to the committee in November 2015 do not explain why social housing is now on reserve land at four different locations in the City. The Society wants to know why this has occurred and whether social housing came before or after the reserve status.
- If social housing came before the decision to create a reserve status, then rezoning the sites is likely to be appropriate. However, if social housing came after this decision then the error in decision-making may be more serious. Housing on reserve land damages the values of the land and the public have been deprived of the benefits of those reserves, possibly in perpetuity.
- While the Society acknowledges the importance of social housing, it cannot ignore the possibility that unfortunate decision-making in the past may have resulted in the loss of reserve land, albeit relatively small areas.
- If any 'inconvenient truths' emerge for any of the four locations, 'putting it right' will require more than a simple rezoning. The Society has outlined several ways of 'putting it right'.

Proposed rezonings supported

- Supports the following proposed rezonings as they will ensure consistency across a reserve management area:
 - Truby King Park, Melrose – to rezone one lot from Residential Outer to Open Space B
 - Bolton St Memorial Park – to rezone the Open Space A portion to Open Space B
 - Wilf Mexted Reserve, 11 Collins Ave, Tawa – to rezone a portion from Business 2 area to Conservation Site.
- Supports the proposal to rezone 14-16 Kotinga Street, Melrose from Open Space B to Residential Outer as both properties contain private dwellings. These sites have also never been in Council ownership or used for open space purposes.
- Supports rezoning the remainder of the 49-69 Epuni Street site from Open Space B to Open Space C as it's consistent with the adjoining Town Belt.
- Has no concerns about rezoning 23 Batchelor Street, Newlands from Open Space A to Residential Outer as the revocation of this reserve was agreed through the formal process, which allows for public consultation.

Submission No.	Name	Address for Service	Wishes to be heard
<p>Proposed rezonings opposed</p> <ul style="list-style-type: none"> • Opposes the following proposed rezonings (based on information currently available): <ul style="list-style-type: none"> - 190-209 Darlington Road, Miramar – to be rezoned from Conservation Site to Residential Outer - 49-69 Epuni Street, Aro Valley – to be rezoned from Open Space B to Residential Outer - 150 Cockayne Road, Khandallah – to be rezoned from Open Space B to Residential Outer - 16 Punjab Street, Khandallah – to be rezoned from Open Space B to Residential Outer <p>Rationale for opposing the proposed rezonings</p> <ul style="list-style-type: none"> • No information has been provided about Council’s future plans for housing on these sites. The Society wants to know whether the proposed rezonings would allow a future council to approve medium density housing at these sites and/or sell the land rather than retain these sites for social housing (e.g. subdivision). The Section 32 report says there is potential for subdivision at one of these locations. • No consideration has been given to the potential for better social and economic benefits by removing/demolishing the houses and investing the associated capital and operational savings in better quality ‘social housing’ elsewhere. Given their age, some of this housing is likely to require increasing maintenance and/or costly redevelopment in the future. Perhaps better quality housing for an equivalent number of people could be provided more efficiently at one or more other sites in the City. • Wellington’s reserves play a vital role in the City’s quality of life. The Society commends Council’s forward thinking in identifying new reserves in the Suburban Reserves Management Plan (April 2015) and other management plans. • The Society sees threats to the reserves in recent and proposed legislative and regulatory changes that government has developed to increase the supply of land for new housing developments. The Society urges Council to be alert to these threats. • Would like to see more rapid progress on updating the Conservation chapter of the District Plan. The current Conservation chapter became operational in July 2000, more than 15 years ago. In September 2014, officers advised that they were expecting to report to the committee on a policy direction for the review of this chapter in the 2014/15 financial year. The Society wants to know whether this has happened or not. <p>Decision requested</p> <p>That the committee asks Council officers for more detailed advice before making its decision on the proposed rezonings.</p> <p>That Council officers report on whether or not previous councils had the necessary powers or authorisations to build social housing on reserve land at four of the locations (those that the Society opposes being rezoned).</p> <p>That Council postpones making a decision on four of the proposed rezonings pending the preparation of a more detailed Section 32 Report and</p>			

Submission No.	Name	Address for Service	Wishes to be heard
associated advice.			
2	The Thorndon Society Inc. C/- Brett Mckay	380 Tinakori Road, Thorndon, Wellington 6011	Yes

Submission

- Supports the inclusion of a reference to Central Area Policy 12.2.1.2 in the explanation to Residential Policy 4.2.7.3.
- At present, the last paragraph deals solely with the protection of residential amenities whereas proposals under Policy 12.2.1.2 would take into account broader planning and environmental considerations relating to both the Central Area and adjacent Inner Residential Areas.
- A standalone statement will provide greater certainty that Policy 12.2.1.2 will not be overlooked when officers are considering applications.
- Additional references to Policy 12.2.1.2 will reinforce the proposed introductory statement and ensure this policy is not overlooked.
- Supports the Council's proposal as previous oversights in regards to Policy 12.2.1.2 are symptomatic of the confusion and uncertainty that currently applies to Council policies in relation to mixed use development in residential areas.
- The laudable aim of promoting more mixed use development in general throughout the City has not been properly reconciled with the situation in the inner city residential suburbs where there is already a relatively high level of mixed use and ongoing pressure for central area uses to encroach into surrounding residential neighbourhoods.
- A three storeyed office and retail development at 92 Tinakori Road highlights the problems associated with administering the current District Plan provisions and the shortcomings have been identified.

Decision requested

That the proposed additional wording in Policy 4.2.7.3 be included as a separate paragraph at the end of the policy.

Amend the explanation to Policy 4.2.7.3 under the heading 'full conversion of a residential building to a non-residential use' include a reference to Policy 12.2.1.2 as follows or to the like effect:

In Inner Residential Areas adjacent to the Central Area, Policy 12.2.1.2 will also be taken into account.

Amend the explanation to Policy 4.2.7.3 under the heading 'matters to consider when assessing applications for non-residential activities, including work from home activities' to include a reference to Policy 12.2.1.2 as follows or to the like effect:

Submission No.	Name	Address for Service	Wishes to be heard
<p><i>The application of Policy 12.2.1.2</i></p> <p>That the Council undertake a wider review of the residential provisions of the District Plan to deal with the ambiguity and shortcomings in respect of mixed use development.</p>			
3	Friends of the Bolton Street Cemetery C/- Priscilla Williams	14 Kinross Street, Kelburn, Wellington 6012	No
<p>Submission</p> <ul style="list-style-type: none"> • Supports the lower part of the Bolton Street Cemetery being rezoned from Open Space A to Open Space B. • The lower part will realign with the upper part of the Cemetery, which is already zoned Open Space B. The proposed rezoning (Open Space B) will also be more appropriate than the current zoning (Open Space A) as it is an historic cemetery within the Botanic Gardens. <p>Decision requested</p> <p>That the lower part of the Bolton Street Cemetery be rezoned from Open Space A to Open Space B.</p>			
4	Wellington City Council C/- City Planning	101 Wakefield Street, Wellington Central, Wellington 6014	No
<p>Submission</p> <ul style="list-style-type: none"> • Supports the plan change but requests an amendment to the Residential Vehicle Access Standard. • In circumstances where a site has two road frontages, site access should be from the road that is not an Arterial, Principal or Collector Road. <p>Decision requested</p> <p>Amend Residential Vehicle Access Standard 5.6.1.4 <u>[proposed]</u> [to be deleted]:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>5.6.1.4 Site Access</p> <p>5.6.1.4.1 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45.</p> <p><u>There shall be a maximum of one vehicular access to a site except:</u></p> <ul style="list-style-type: none"> • <u>No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45</u> • <u>A site with more than one road frontage may have one access per frontage unless the second frontage is to a:</u> <ul style="list-style-type: none"> - <u>State Highway or a restricted road frontage (as shown on Maps 43-45)</u> - <u>An Arterial, Principal or Collector Road (as shown on Maps 33 and 34)</u> <p>5.6.1.4.2 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with Section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.</p> <p>5.6.1.4.3 There shall be a maximum of one vehicular access to a site, except that a site with more than one road frontage may have one access per frontage (unless the second frontage is to a State Highway).</p> <p>5.6.1.4.4 The maximum width of any vehicular access is:</p> <ul style="list-style-type: none"> - 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge - In Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units. - 6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge) <p>5.6.1.4.5 On sites with frontage to a secondary street no access shall be provided to a primary street or state highway.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
5	Spencer Holmes C/- Sean Murrie	PO Box 588, Wellington Central, Wellington 6140	No

Submission

Rule 34.3.6 (Construction of new residential buildings or the conversion of existing buildings, for residential activities, in Business 1 Areas)

- Supports the proposed change to remove Standard 34.3.6.5 (adequate onsite car parking provision) as a matter of discretion that Council can consider for applications involving new residential buildings. This matter is appropriately addressed under Standard 34.3.6.4.

Decision requested

Rule 34.3.9 (Construction, alterations or additions to buildings and structures)

The non-notification/service provisions of this rule require further correction and changes as follows [proposed] ~~[to be deleted]~~:

In respect of ~~item Rule 34.3.9.4~~ (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party. to an application that breaches standard 34.6.2.4.2 in relation to Porirua Stream and tributaries.

In respect of ~~item 34.3.9.8 (high voltage transmission lines)~~ the following items applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application that breaches Standard 34.6.2.8.1 located within 32 metres of a high voltage transmission line.

- ~~34.3.9.4 (yards)~~
- ~~34.3.9.7 (verandahs)~~
- ~~34.3.9.10 (noise insulation and ventilation)~~

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:

34.3.9.7 (verandahs)

34.3.9.10 (noise insulation and ventilation)

Submission No.	Name	Address for Service	Wishes to be heard
6	The New Zealand Transport Agency (NZTA) C/- Caroline Horrox	PO Box 5084, Lambton Quay, Wellington 6145	Yes

Submission

- Generally supports the plan change insofar as it supports NZTA's objective of achieving integrated transport planning.
- Specifically supports Residential Vehicle Access Standard 5.6.1.4 being amended.
- State Highway 1 traverses Wellington, crossing a number of residential areas, particularly from the Terrace tunnel to the airport. It is essential that the number, location and design of access points on the State Highway is carefully managed to ensure that any associated additional traffic movements do not adversely impact levels of service, congestion and/or safety. Cumulatively, additional state highway access points may adversely impact on these matters by small amounts but in combination can result in significant adverse effects.

Decision requested

That Standard 5.6.1.4 continues to help protect the State Highway from inappropriate access.

7	Philip and Camilla Peet	18 Punjab Street, Khandallah, Wellington 6035	Yes
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Submission

- Opposes part of 16 Punjab Street, Khandallah being rezoned from Open Space B to Residential Outer.
- The proposed rezoning has the potential to have significant adverse effects on the amenity and environmental quality of their property at 18 Punjab Street.
- The two houses at 16 Punjab Street currently overlook the Peet's property and they are concerned that any further development could exacerbate this, thereby further reducing their privacy, particularly if the land remains as one block.
- Any further redevelopment or intensification of the land at 16 Punjab Street could reduce the environmental benefits of this open space land.
- Concerned that the proposed rezoning would allow further development of the site and increase traffic movements. Such movements will significantly increase the risk of a crash as the reserve driveway is used regularly by families to access the dog exercise area and/or the walking tracks.

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"> • The existing Council houses can continue to operate and be maintained on the site due to existing use rights. The houses should continue to operate until they need to be retired. At this point in time, the land should revert back to being part of the green reserve area as the Council intended. • Considers the proposed rezoning to be contrary to good planning practice and is not in the interest of the wider community. <p>Decision requested</p> <p>That the proposed rezoning at 16 Punjab Street, Khandallah be declined and retain the status quo.</p>			
8	Peter and Sylvia Aitchinson	2/11 Maida Vale Road, Roseneath, Wellington 6011	Yes
<p>Submission</p> <ul style="list-style-type: none"> • Supports the proposal to reduce the maximum height of accessory buildings (Standard 5.6.2.5) but requests that the maximum height should be 3.0m throughout <u>all</u> Residential Areas, including the Roseneath Height and Coverage Area. • The explanation to Policy 4.2.4.1 should be amended to record that the scale and placement of accessory buildings can have a significant impact on the amenity enjoyed by neighbouring properties. <p>Decision requested</p> <p>Confirmation of the 3.0m maximum building height for accessory buildings in <u>all</u> Residential Areas, including the Roseneath Height and Coverage Area</p> <p>That the second paragraph to the explanation to Policy 4.2.4.1 be amended as follows [<u>proposed</u>]:</p> <p style="padding-left: 40px;">The scale and placement of new buildings, <u>including accessory buildings</u>, can have a significant impact on the amenity enjoyed by neighbouring properties.</p> <p>Or words to a similar effect.</p> <p>That the seventh paragraph to the explanation to Policy 4.2.4.1 be amended as follows [<u>proposed</u>]:</p>			

Submission No.	Name	Address for Service	Wishes to be heard
<p>Maximum building heights, <u>including the maximum building height for accessory buildings</u>, are specified at levels that recognise the scale of existing buildings in the area, while also providing scope to undertake a reasonable scale of building work and allowing sufficient flexibility to cope with variations in topography and slope <u>and relations to neighbouring properties</u>. In the Outer Residential Areas the building height standards provide for a generous two-storey building, <u>although accessory buildings are limited to a single storey</u>. In the Inner Residential Area the heights are usually sufficient to facilitate three-storey buildings, <u>although accessory buildings are limited to a single storey</u>.</p> <p>Or words to a similar effect.</p>			
9	Warren and Robyn Young	24 Punjab Street, Khandallah, Wellington 6035	Yes
<p>Submission</p> <ul style="list-style-type: none"> • Opposes 16 Punjab Street, Khandallah being rezoned from Open Space A to Residential Outer. • Purchased their land on the basis that they would have reserve land next to their property. • Appreciates that there is Council housing on 16 Punjab Street, however they were led to believe that the current designation of that land would prevent the houses on it from being rebuilt or sold and that they would be removed at the end of their useful life. • Have done a great deal to assist Council's Parks and Reserves team in improving the surrounding reserve land and believe that this proposal will undermine those efforts. • The proposed rezoning is justified on the basis that it will enable the current stock of Council housing to be better managed, however it will in fact allow an area of land that is currently a reserve to be sold off and developed as private housing. This is not required in order for the Council to better manage its social housing and is inconsistent with the Council's obligation to maintain the City's green belt. • The proposed rezoning does not appear to provide access to the land in question. The property should not be rezoned without legal access to a public road. If a right of way was granted over the lane, they also want a right of way over that lane including the area of road that is part of the proposed rezoning given that they have a back gate to that area. <p>Decision requested</p> <p>Not specified.</p>			

Submission No.	Name	Address for Service	Wishes to be heard
10	Donna Yule	Avon Street, Island Bay, Wellington 6023	No

Submission

- The proposed change to Rule 5.3.3. (Early Childhood Centres - car parking provision) does not address the fact that there is no parking standards for early childhood centres with over 30 children.
- It seems odd that there must be 1 car park for every staff member for early childhood centres with under 30 children but if there is over 30 children there is no minimum car parking standard and instead approval is on a case by case basis with the interpretation of any parking standard applied dependent on which particular Council planning officer is involved.
- Recent interpretation of this Rule for an early childhood centre with over 30 children had a number of Council staff state Standard 5.6.1.3 also applies, however another staff member and a commissioner both said the standard does not apply.
- Standard 5.6.1.3 clearly states that vehicle parking applies to all activities in residential areas.
- Standard 5.6.1.3 should apply to all early childhood centres regardless of the number of children.

Decision requested

That Council clarify whether or not Standard 5.6.1.3 applies to early childhood centres with over 30 children.

11	Greater Wellington Regional Council (GWRC) C/- Caroline Ammundsen	PO Box 11646, Manners Street, Wellington 6142	Yes
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Submission

- Wishes to make a neutral submission on Plan Change 80.
- The points made in its submissions relate to the operational responsibilities held by GWRC.
- Under the watercourses agreement with the Wellington City Council, GWRC maintains the Porirua and Takapu streams and is responsible for the Makara, Ohariu and Karori streams outside of the urban area.
- The Takapu stream is a tributary of the Porirua Stream so is likely to be covered by the change to the non-notification clause.

Submission No.	Name	Address for Service	Wishes to be heard
<p>Decision requested</p> <p>That Rule 5.3.4 be amended as follows [<u>proposed</u>]:</p> <p>In respect of item 5.3.4.2 (yards) Greater Wellington Regional Council will be considered an affected party to an application that breaches standard 5.6.2.2.11 in relation to Porirua Stream and tributaries <u>(including the Takapu Stream), Makara and Ohariu Streams and outside the urban area of the Karori Stream.</u></p> <p>That Rule 7.3.7 be amended as follows [<u>proposed</u>]:</p> <p>In respect of Rule 7.3.7.5 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party to any application that breaches standard 7.6.2.5.1 in relation to Porirua Stream and tributaries <u>(including the Takapu Stream), Makara and Ohariu Streams and outside the urban area of the Karori Stream.</u></p>			
12	Bruce Welsh	92 Yule Street, Kilbirnie, Wellington 6022	Yes
<p>Submission</p> <p>Residential Height Standard 5.6.2.5</p> <ul style="list-style-type: none"> • The proposal is to limit all accessory buildings to 3.5m in most residential areas and up to 3m in certain inner residential areas. This is an excessive and limiting requirement which has little effect on others. • Typically an accessory building is a garage. A single garage with a 15 degree roof would be approx. 3.1m high and a double garage would be approx. 3.5m high. • If a garage was designed with a steeper roof (often 30 degrees and sometimes 45 degrees) as often happens to match the style of a house the garage height would be higher. • The requirement to obtain a resource consent for these simple structures adds another burden to home owners. • There are other structures that could be assessed as accessory buildings (e.g. a children’s play structure) which could easily be over 3.5m but otherwise would be permitted activities. 			

Submission No.	Name	Address for Service	Wishes to be heard
<ul style="list-style-type: none"><li data-bbox="197 220 1189 252">• This provision is excessive and should not be included in the District Plan. <p data-bbox="147 300 465 336">Decision requested</p> <p data-bbox="147 379 1518 416">That the proposed amendments to Residential Height Standard 5.6.2.5 not be included in the District Plan.</p>			

Appendix 2. Recommended Changes to Proposed District Plan Change 80

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

3. Amend Chapter 4 Residential Policies, Explanation to Policy 4.2.7.3

- **Plan Change document wording**

.....

Because non-residential activities can impact adversely on the amenities of Residential Areas, control over these has been maintained in the District Plan. Council aims to ensure that any non-residential activity is of a scale and character that is in keeping with its surroundings as this is important to protect residential amenities. The rules will enable the full effects of a proposal to be evaluated and where necessary, protective measures to be sought. For non-residential activities in Inner Residential Areas adjoining the Central Area consideration should also be given to Policy 12.2.1.2.

.....

- **Recommended wording**

Matters to consider when assessing applications for non-residential activities, including work from home activities, include:

.....

- *Whether non-residential activities, particularly critical facilities proposed to be located in Residential Areas are sited in secure areas. It is important that the effects of natural disasters on the environment and such facilities are avoided, remedied or mitigated.*
- *When non-residential activities in Inner Residential Areas adjoin the Central Area consideration shall be given to Policy 12.2.1.2.*
- *Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.*

.....

7. Amend Chapter 5 Residential Vehicle Access Standards 5.6.1.4

- **Plan Change document wording**

5.6.1.4 Site Access

~~5.6.1.4.1 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45.~~

There shall be a maximum of one vehicular access to a site except:

- No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45
- A site with more than one road frontage may have one access per frontage (unless the second frontage is to a State Highway, or a restricted road frontage on Maps 43-45)

5.6.1.4.2 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.

~~5.6.1.4.3 There shall be a maximum of one vehicular access to a site, except that a site with more than one road frontage may have one access per frontage (unless the second frontage is to a State Highway).~~

5.6.1.4.4 The maximum width of any vehicular access is:

- 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge
- in Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units.
- 6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge)

~~5.6.1.4.5 On sites with frontage to a secondary street no access shall be provided to a primary street or state highway.~~

- **Recommended wording**

5.6.1.4 Site Access

~~5.6.1.4.1 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan Maps 43 to 45.~~

Refer to Maps 33 and 34 for road hierarchy.

5.6.1.4.1 Sites with one road frontage shall have a maximum of one vehicle access.

Refer to Maps 43-45 for restricted road frontages.

5.6.1.4.2 Sites with two or more road frontages may have one vehicle access per frontage, subject to 5.6.1.4.3 - 5.6.1.4.5.

~~5.6.1.4.3 There shall be a maximum of one vehicular access to a site, except that a site with more than one road frontage may have one access per frontage (unless the second frontage is to a State Highway).~~

5.6.1.4.3 Sites with road frontages to:

- a State highway, or an Arterial, Principal or Collector Road; and
- one or more local or sub-collector roads (that do not have restricted road frontages)
may only have vehicle access to the local or sub-collector roads.

5.6.1.4.4 Sites with two or more road frontages that are all categorised as:

- a State highway; or
- restricted road frontage; or
- Arterial, Principal or Collector roads
shall have a maximum of one vehicle access.

~~5.6.1.4.5 On sites with frontage to a secondary street no access shall be provided to a primary street or state highway.~~

5.6.1.4.5 No vehicle access is permitted to a site across any restricted road frontage.

5.6.1.4.6 Site access for vehicles must be formalised by a legal right of way instrument where not directly provided from a public road, and must be provided and maintained in accordance with section 3 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part I: Off-Street Car Parking.

5.6.1.4.7 The maximum width of any vehicular access is:

- 3.7 metres in the Inner Residential Area and within the Residential Coastal Edge
- in Medium Density Residential Areas 3.7 metres for sites containing up to 6 units, and 6.0 metres for sites containing 7 or more units.
- 6.0 metres in the Outer Residential Area (excluding the Residential Coastal Edge)

16. Amend Chapter 34 Rule 34.3.9 – Non notification clause

- **Plan Change document wording**

.....

Non-notification/ service

In respect of Rule 34.3.9.4 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party to any application that breaches standard 7.6.2.5.1 in relation to Porirua Stream and tributaries.

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application located within 32 metres of a high voltage transmission line:

- 34.3.9.4 (yards)
- 34.3.9.7 (verandahs)
- 34.3.9.10 (noise insulation and ventilation)
- ***Recommended wording***

In respect of ~~the following items~~ ~~item~~ 34.3.9.4 (yards) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Greater Wellington Regional Council will be considered to be an affected party to any application that breaches standard ~~7.6.2.5.1~~ 34.6.2.4.2 in relation to Porirua Stream and tributaries.

In respect of ~~the following items~~ ~~item~~ 34.3.9.8 (high voltage transmission lines) applications will not be publicly notified (unless special circumstances exist) or limited notified, except that Transpower New Zealand Limited may be considered to be an affected party to any application ~~located within 32 metres of a high voltage transmission line~~ that breaches Standard 34.6.2.8.1 (proximity to high voltage transmission lines):

In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:

- 34.3.9.4 (yards)
- 34.3.9.7 (verandahs)
- 34.3.9.10 (noise insulation and ventilation)

8. Amend Chapter 5 Residential Height Standards 5.6.2.5

- ***Plan Change document wording***

5.6.2.5.4 Any accessory building erected between the street frontage and an existing residential building on a site in the Inner Residential Areas shown in Appendix 1, shall have a maximum height of 3 metres (measured from ground level directly in front of the proposed accessory building). In all other Residential Areas an accessory building shall have a maximum height of 3.5m.

- **Recommended wording**

5.6.2.5.4 Any accessory building in Residential Areas shall have a maximum height of 3.5 metres (measured from ground level directly in front of the proposed accessory building), except that accessory buildings erected between the street frontage and an existing residential building on a site in the Inner Residential Areas (as shown in Appendix 1), shall have a maximum height of 3 metres.

Policy 4.2.4.1

.....

The scale and placement of new buildings, including accessory buildings, can have a significant impact on the amenity enjoyed by neighbouring properties; and

.....

Maximum building heights, including the maximum building height for accessory buildings, are specified at levels that recognise the scale of existing buildings in the area, while also providing scope to undertake a reasonable scale of building work and allowing sufficient flexibility to cope with variations in topography and slope and relationships to neighbouring properties. In the Outer Residential Areas the building height standards provide for a generous two-storey building. In the Inner Residential Area the heights are usually sufficient to facilitate three storey buildings. Although accessory buildings are limited to a single storey.

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