

PROPOSED DISTRICT PLAN CHANGE 80:

General Minor Amendments to District Plan Text and Maps VII

Report of the Hearing Committee

June 2016

REPORT OF THE HEARING COMMITTEE

SUBJECT: District Plan Change 80: General Minor Amendments to District Plan Text and Maps VII

COMMITTEE MEMBERS: Councillor Andy Foster (Chair) and Councillor David Lee

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

The Hearing Committee recommends that Council:

1. *Receive the information.*
2. *Approves Proposed District Plan Change 80 as publicly notified on 25 November 2015, subject to the following amendments attached in Appendix 1.*
3. *Agree that Council officers will consider imposing more restrictive planning controls on 16 Punjab Street if it is ever sold into private ownership.*

3. Background

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.

DPC 80 was publicly notified on 25 November 2015, with the submission period closing on 18 January 2016. Thirteen submissions were received. The summary of submissions was publicly notified on 4 February 2016 and no further submissions were received. Two submissions were withdrawn on 16 February 2016 and 18 April 2016, one of which did not wish to be named. The submitters were:

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 Aitchison
9. Warren and Robyn Young
10. Donna Yule
11. Greater Wellington Regional Council (withdrawn)
12. Bruce Welsh

A hearing was held on 27 April 2016, at which the Wellington Botanical Society (Bev Abbott), the Thorndon Society Incorporated (Brett McKay), Philip Peet, Peter and Sylvia Aitchison (Andrew Cameron) and Bruce Welsh spoke in support of their submissions.

4. Submissions and Discussion

4.1 Unchallenged proposals

As not all of DPC 80 has been the subject of submissions, the Committee has accepted that these proposals (with the exception of Residential Standard 5.6.2.5.5) be adopted as notified.

4.2 Submissions in support

4.2.1 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.

The support from the above submitter is noted. The points raised in submitter 3's submission reinforce the benefits of DPC 80.

Recommended decision: Accept the submission.

4.2.2 The New Zealand Transport Agency

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

As amendments were made to Residential Standard 5.6.1.4 in the Section 42A report, they were sent to the NZTA to ensure it was satisfied with them. The NZTA advised Council's reporting planner (Nicole Marshall) that it had concerns regarding the protection of the State highway from inappropriate vehicle access. This is because in situations where a site has two or more road frontages that are all categorised as State highway, restricted road frontage, arterial, principal or collector road, the vehicle access can still be established on the State highway rather than a collector road, for example.

After discussions with the Council's planning and traffic teams, Ms Marshall amended Residential Standard 5.6.1.4 to include the wording '*this vehicle access shall not be from a State highway or a restricted road frontage*' at the end of Residential Standard 5.6.1.4.4. The revised wording was sent to the NZTA on 19 April

2016, who advised the Council that it was content with this wording, and consequently no longer wished to be heard at the hearing.

The points raised in the above submission are accepted. The Hearing Panel recommends that the revised wording be included in the District Plan. This wording is attached in Appendix 1.

Recommended decision: Accept the submission.

4.2.3 Donna Yule

Donna Yule (submitter 10) supports the inclusion of Residential Standard 5.6.1.3 as a standard that must be met in Residential Rule 5.3.3. However, submitter 10 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 Residential 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. Therefore, Ms Yule wants Residential Standard 5.6.1.3's application to Residential Rule 5.3.3 clarified.

Ms Yule did not attend the hearing. However, the Hearing Panel is satisfied that clarification has been provided to Ms Yule on this matter in the Section 42A report. Given that Ms Yule has not requested any additional changes to DPC 80, no further action is required in relation to this submission.

Recommended Decision: Accept the submission.

4.3 Submissions in support but requesting amendments

4.3.1 Thorndon Society Incorporated

DPC 80 proposes to include a cross reference to Central Area Policy 12.2.1.2 within the explanation to Residential Policy 4.2.7.3, which provides for a range of non-residential activities within Residential Areas whilst ensuring that these activities do not cause adverse effects on those areas. Central Area Policy 12.2.1.2 seeks to ensure that Central Area activities do not expand into the adjoining Residential Areas, however its location in the Central Area chapter means it might be overlooked in resource consent applications.

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 Policy 4.2.7.3, but seeks amendments. In summary, the Society proposed to include a cross-reference to Policy 12.2.1.2 multiple times throughout the explanation to Residential Policy 4.2.7.3. Council's reporting planner (Nicole Marshall) recommended that the cross-reference only be included once under the heading '*matters to consider when assessing resource consent applications, including work from home activities*'.

Brett McKay attended the hearing on behalf of the Thorndon Society Incorporated. He advised the Hearing Panel that Central Area Policy 12.2.1.2 is often overlooked when Council officers are assessing resource consent applications for non-residential activities in Thorndon, due to its current location in the Central Area chapter. Therefore, the inclusion of a cross-reference in the explanation to Residential Policy 4.2.7.3 would provide a trigger for officers to consider Central Area Policy 12.2.1.2 when assessing these types of activities.

Mr McKay also advised the Panel that the Society agreed with Ms Marshall to include a cross reference to Central Area Policy 12.2.1.2 as a bullet point in the assessment criteria, but was concerned about the wording of that bullet point. This is because Central Area Policy 12.2.1.2 could be construed to only apply in situations where particular non-residential activities adjoin the Central Area. As such, the Society considered that the wording of the bullet point should read as follows *‘for non-residential activities in Inner Residential Areas adjoining the Central Area consideration shall also be given to Policy 12.2.1.2*, which will mean that Central Area Policy 12.1.2.2 applies to any non-residential activity in Inner Residential Areas.

Mr McKay was also concerned about the location of the cross-reference in the assessment criteria, as it is currently eighth in the list. As such, he considered that the cross-reference should be repositioned to third in the list to maintain a sequence of matters relating to non-residential activities and to ensure that it is not overlooked by Council officers when assessing resource consent applications for non-residential activities in Inner Residential Areas. However, Ms Marshall pointed out that the bullet points in the assessment criteria are not a hierarchy and should be given equal weight.

Mr McKay and Ms Marshall both agreed that there is not a clear heading that separates the assessment criteria from the previous paragraph that relates to the Oriental Bay Height Area. To rectify this, both Mr McKay and Ms Marshall recommended that the assessment criteria be bolded or underlined.

The above submission points are accepted in part. The Hearing Panel recommends that the cross-reference be included as the third bullet point under the heading *‘matters to consider when assessing resource consent applications, including work from home activities’*. The Panel considers that this will avoid duplication, make the District Plan easier to navigate and ensure that the cross-reference does not get overlooked when Council officers are assessing resource consent applications for non-residential activities in Inner Residential Areas.

The Panel also agrees with Mr McKay that the cross-reference, as currently worded, has the potential to cause confusion as to where it relates to and therefore recommends that the wording *‘adjoining the Central Area’* be removed. The Panel also recommends that the cross-reference be reworded as follows *‘for non-residential activities in Inner Residential Areas, consideration shall also be given to Central Area Policy 12.2.1.2’*. This would clarify that the relevance of Central Area Policy 12.2.1.2 should be considered on a case-by-case basis for proposed non-residential activities anywhere in Inner Residential Areas rather than potential confusion that Central Area Policy 12.2.1.2 might only apply to developments in residentially zoned properties immediately adjacent to the Central Area. This wording is attached in Appendix 1.

Given that there is not a clear heading that separates the assessment criteria from the previous paragraph, the Panel recommends that the heading be underlined as shown in Appendix 1.

Recommended decision: Accept the submission in part.

4.3.2 Wellington City Council

Wellington City Council (submitter 4) supports the proposed changes to Residential Standard 5.6.1.4 but seeks amendments. However as discussed in Section 4.2.2 of this report, these amendments would 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 restricted road frontage, where the site access should be from. Therefore, the Hearing Panel recommends the wording agreed to by the Council and the NZTA be included in the District Plan, as detailed in Appendix 1. As explained in the Section 42A report, ‘primary and secondary streets’ are often confused with ‘primary and secondary street frontages’, and therefore, the Panel also recommends that the two remaining references to ‘primary and secondary streets’ be removed from the District Plan.

Recommended decision: Accept the submission in part.

4.3.3 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. Mr Murrie notes that this matter is appropriately addressed under Item 34.3.6.4.

Mr Murrie also proposes two separate changes to the non-notification clause in Business Area Rule 34.3.9 relating to Greater Wellington Regional Council (GWRC) and Transpower New Zealand (Transpower) Limited.

The support from the submitter is noted. Given that the submitter’s proposed changes to the non-notification clause in Business Area Rule 34.3.9 simplify the non-notification clause without changing its intent, the Hearing Panel recommends that these amendments, including those recommended in the Section 42A report, be included in the District Plan. The amended wording is attached in Appendix 1.

Recommended decision: Accept the submission.

4.3.4 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 Residential Policy 4.2.4.1. These amendments include a 3m height limit for accessory buildings in all Residential Areas, including the Roseneath Height and Coverage Area, and some minor additions to Residential Policy 4.2.4.1.

The Aitchison’s attended the hearing with their legal counsel, Mr Andrew Cameron. Mr Cameron requested a 3m height limit for accessory buildings in all Residential Areas, including roof pitch. He considered that this height limit would be sufficient to protect residential amenity. However, Ms Marshall did not consider that a 3m height limit for accessory buildings would be workable, especially without the additional one metre allowed for roof pitch under Residential Standard 5.6.2.5.5. This is because such a height limit would not allow for any flexibility. For example, most typical garages would exceed this height limit, thereby requiring resource consent for relatively simple structures that are commonly anticipated in Residential Areas. She also stated that a 3m height limit would result in a financial burden for homeowners and does nothing to streamline or simplify the resource consent process.

Mr Cameron also advised the Panel that the issue of residential amenity should be dealt with by a controlled or restricted discretionary activity status. Mr Cameron’s preference was by way of a controlled activity so that Council officers could ensure that the locations of accessory buildings are optimised to ensure that the potential adverse effects on neighbours would be avoided, remedied or mitigated as required by Section 17 of the RMA. He also stated that as Mr Welsh’s submission sought a

4.5m height limit for accessory buildings and the Aitchison's proposed to limit the height of accessory buildings to 3m, there is potential to make the difference between the two a controlled activity. However, Mr Cameron was advised by the Panel that Mr Welsh only became aware of Residential Standard 5.6.2.5.5 at the hearing. Despite this, Mr Cameron considered that a controlled activity status would provide for a cascade of rules, rather than relying on a 'blunt' permitted activity standard.

Mr Cameron also expressed concerns about the wording 'in front of' in terms of where the height of accessory buildings would be measured from. This is because the wording 'in front of' has been the cause of some difficulty in the Environment Court recently in terms of which side is taken to be the 'front'. Mr Cameron also considered that such wording may cause ongoing issues, which would have to be resolved in the High Court. To rectify this issue for the draft rule, Mr Cameron suggested that the wording 'in front of' be removed and the definition state '*any accessory building in Residential Areas shall have a maximum height limit of 3m (measured from ground level directly below all parts of the accessory building)*'. Mr Cameron submitted that this would mean that the measurement of ground level would be taken from the lowest point of the accessory building and that this is the point at which the maximum level of amenity effects can be managed from. In Mr Cameron's view, this wording would give Residential Standard 5.6.1.4 certainty and avoid the sort of arguments that have been taking place in the Environment Court.

The support from the above submitter is noted. As described above and in the Section 42A report, a 3m height limit for accessory buildings would be too restrictive, and therefore the Hearing Panel recommends that a 3.5m height limit be imposed for accessory buildings with an additional 1m being allowed for roof pitches that are 15 degrees or greater under Residential Standard 5.6.2.5.5. The Panel also considers that such a height limit would allow for flexibility while at the same time protecting residential amenity.

The Panel does not recommend that a controlled activity status be introduced for accessory buildings. This is because the District Plan already has a cascade of rules in place and if the permitted activity threshold is exceeded, accessory buildings will become a restricted discretionary activity under Residential Rule 5.3.4. This is more onerous than a controlled activity, thereby protecting residential amenity and other relevant values. The Panel is also of the view that a controlled activity status for accessory buildings would be out of keeping with the way the District Plan is currently structured given that there is no controlled activity status for similar buildings, such as infill development.

The Panel agrees with Mr Cameron that the wording 'in front of' is ambiguous and does not provide certainty. To remedy this, the Panel recommends that the wording 'in front of' be clarified in a side note for Residential Standard 5.6.2.5.4, which states that '*the front of accessory buildings is the side nearest to the street*'. The Panel also recommends that the wording '*measured from ground level on a site directly in front of the proposed accessory building*' be repositioned to where it currently sits in Residential Standard 5.6.1.4. This would mean that this wording only applies to accessory buildings erected between the street frontage and existing buildings in Inner Residential Areas as shown in Appendix 1 of the Residential Appendices. The Panel agreed with evidence from Ms Marshall that many garages in Wellington are built with their road frontages at ground level, but as a result of land sloping down from the road level, the rear of the building is well above the natural ground level and often supported on poles or similar structures. The submitter's request is agreed to

would mean such structures would be considered well over any height limit. All other accessory buildings in Residential Areas would be measured from ‘existing ground level’ as defined in the District Plan, which would be consistent with all other residential buildings, such as secondary dwellings. This would also allow a wider range of effects to be taken into account, as when an accessory building is located at the rear of an existing dwelling for example, further effects may need to be considered beyond that of just the streetscape.

The Panel also recommends that the proposed amendments to Policy 4.2.4.1 suggested by the Aitchison’s submission be included in the District Plan, as well as those amendments sought in the Section 42A report.

Recommended Decision: Accept the submission in part.

4.4 Submissions in opposition

4.4.1 Bruce Welsh

Bruce Welsh (submitter 13) opposes the proposed changes to Residential Standard 5.6.2.5.4.

At the hearing, Mr Welsh’s main question was around why a height limit is being imposed for accessory buildings. Ms Marshall stated that this was because applicants have been putting forward a permitted baseline argument for infill development as it has the same or similar effects to accessory buildings, which can be erected without resource consent.

Mr Welsh also advised the Hearing Panel that he considered a 3.5m height limit for accessory buildings to be too restrictive. This is because garages are usually designed to fit in with the character of the house, which are likely to have a roof pitch of 20 degrees or greater and at these pitches, a 3.5m height limit would be exceeded. As such, Mr Welsh submitted that a 4.5m baseline would be appropriate and while it would not cover everything, it would cover most accessory buildings. He illustrated this point with reference to a range of photographs of garages.

At the hearing, Ms Marshall pointed out that Residential Standard 5.6.2.5.5 of the District Plan allows an additional 1m to be added to the height limit of accessory buildings if the roof pitch is 15 degrees or greater, which means the total height limit for accessory buildings can be built up to 4.5m under the proposed amendments. Mr Welsh advised the Panel that he was not aware of this standard and considered that a 3.5m height limit would be acceptable so long as the additional 1 metre could be added to garages with a roof pitch of 15 degrees or greater.

Therefore, the Panel recommends that a 3.5m height limit be imposed for accessory buildings as notified and as detailed in Appendix 1. In light of the submissions and discussions at the hearing, the Panel also recommends that Residential Standard 5.6.2.5.5 be amended so that it reads *‘In Residential Areas (excluding the Oriental Bay Height Area) an additional 1 metre can be added to the maximum height (stated in standards 5.6.2.5.1, 5.6.2.5.4 and ~~or~~ 5.6.2.7) of any building with a roof slope of 15 degrees or greater (rising to a central ridge) as illustrated in the following diagram:’*. In effect, this will provide for accessory buildings with a maximum height of 3.5 metres if they have a roof pitch less than 15 degrees and 4.5 metres if they have a roof pitch of 15 degrees or more.

Recommended decision: Accept the submission in part.

4.4.2 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. Of these submitters, Philip Peet was the only submitter that attended the hearing.

At the hearing, Mr Peet's main concern was about how the proposed rezoning could facilitate further development of the site, including subdivision, intensification and/or selling the land. Specifically, he was worried about how such development could potentially affect the amenity of his land (e.g. privacy), cause traffic and safety effects and reduce the environmental benefits of the reserve land.

Mr Peet was also of the view that 16 Punjab Street does not need to be rezoned at this point in time. This is because the site has been zoned Open Space B for many years without concern and an email referenced in the Section 42A report from Council's Best Practice Manager, Peter Hunter, stated that nothing is expected to happen with the two City Council housing dwellings on the site within the next 5-10 years.

To mitigate Mr Peet's concerns, the Panel asked Council officers whether a controlled activity status could be included in the Open Space chapter to allow minor alterations and additions to be carried out on the houses without changing the zoning. Mr Smith stated that this could be possible, however Ms Marshall advised the Panel that this would be contrary to the objectives and policies of the Open Space chapter and would likely be beyond the scope of the Plan Change. Mr Smith added that up until now the Council has not had any difficulties with the District Plan, as only internal maintenance and alterations have been carried out. However if external or more intensive alterations needed to be undertaken, resource consent would be required. Consequently, these sites need to be rezoned so that resource consent is not required for simple maintenance.

The Panel noted that the site proposed to be rezoned contains two City Housing units but has a very low intensity level of existing development. As the current zoning of this site does not reflect its residential use and resource consent is required for minor alterations and additions to be carried out, the Hearing Panel recommends that this site be rezoned from Open Space B to Outer Residential.

However the Panel is also conscious of the low site coverage and low existing level of development of this part of the site. The Panel acknowledged that simple residential zoning could imply somewhat more intensive development in the future. The Panel therefore also recommends that Council officers consider imposing more restrictive planning controls on 16 Punjab Street if it is ever sold into private ownership, in order to fully consider the appropriate planning framework for the site. In particular the Panel considers that any proposal for further development intensifying use of the site should give consideration to the site's zoning history, low development intensity, and partially open space characteristics.

Recommended decision: Accept the submission in part, by way of recommending further non-statutory actions.

4.5 Submission in both support and opposition

4.5.1 Wellington Botanical Society

The Wellington Botanical Society (the Society or submitter 1) supports six of the proposed rezonings. The Society also opposes four of the proposed rezonings because some or all of the housing may have been developed without due consideration of the tenure/legal status of the Reserves Act as well as other relevant documents, such as the District Plan. The Society also considered that no information had been provided on the Council's future plans for these sites and, as such, wanted to know whether the rezoning would allow the Council to sell the land rather than retain it for social housing.

Bev Abbott attended the hearing on behalf of the Society and reiterated the points raised in the Society's submission.

The submitter's support for six of the proposed rezonings is noted. The Hearing Panel is satisfied that most of the Society's concerns regarding the four proposed rezonings it opposed were dealt with at the hearing. For the same reasons outlined in section 4.4.1 of this report, the Panel recommends that the three remaining Council houses (150 Cockayne Road, Ngaio, 190-206 Darlington Road, Miramar and 49-59 and 67 Epuni Street, Aro Valley) be rezoned from their respective open space zonings to residential, as notified. The Panel noted that these sites are significantly occupied by residential dwellings and are residential in character.

The Panel gave particular consideration to 16 Punjab Street as discussed above in response to the submissions of Philip and Camilla Peet and Warren and Robyn Young.

Recommended decision: Accept the submission in part.

4.6 Neutral Submissions

4.6.1 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 Area Rule 7.3.7. In short, the GWRC proposed to include the Takapu Stream, Makara and Ohariu Streams and the Karori Stream outside of the urban area as streams that it wants to be notified of in the case of any breaches to Residential and Centres Area Standards 5.6.2.2.11 and 7.6.2.5.1 respectively.

Given that it was later determined that none of these streams are within the Residential and Centres Areas, the GWRC withdrew its submission on 18 April 2016. Therefore, the Hearing Panel has not considered this submission in any further detail.

5. Conclusion

Thirteen submissions were received on DPC 80, two of which were withdrawn. Of the remaining submissions, seven were in support of the Plan Change, three were in opposition, and one was in both support and opposition to DPC 80.

The Hearing Panel recommends that the submissions in support be noted and accepted. In relation to the submissions in support but also seeking amendments, it is recommended that they be accepted either in full or in part and that the changes discussed in sections 4.3.1-4.3.4 of this report and outlined in Appendix 1 are made to the notified Plan Change.

The Hearing Panel also recommends that the three submissions in opposition to DPC 80 be accepted in part and that the changes discussed in sections 4.4.1 and 4.4.2 and outlined in Appendix 1 are made to DPC 80.

In regards to the submission in both support and opposition to the Plan Change, the Hearing Panel recommends that the Wellington Botanical Society's submission be accepted in part.

Andy Foster

Chair - DPC80 Hearing Panel

Appendix 1. Recommended Changes

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

Provision	Changes as Notified	Changes as Recommended
Residential Standard 5.6.1.4	<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 State Highway, or a restricted road frontage on Maps 43-45)</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</p>	<p>5.6.1.4 Site Access</p> <p><u>5.6.1.4.1 Sites with one road frontage shall have a maximum of one vehicle access.</u></p> <p><u>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.</u></p> <p><u>5.6.1.4.3 Sites with road frontages to:</u></p> <ul style="list-style-type: none"> <u>• a State highway, or an Arterial, Principal or Collector Road; and</u> <u>• one or more local or sub-collector roads (that do not have restricted road frontages)</u> <p><u>may only have vehicle access to the local or sub collector roads.</u></p> <p><u>5.6.1.4.4 Sites with two or more road frontages that are all categorised as:</u></p> <ul style="list-style-type: none"> <u>• a State highway; or</u> <u>• restricted road frontage; or</u> <u>• Arterial, Principal or Collector roads</u> <p><u>Shall have a maximum of one vehicle access. This vehicle access shall not be from a state highway or a restricted road frontage.</u></p> <p>5.6.1.4.5 No vehicle access is permitted to a site across any restricted road frontage.</p> <p>5.6.1.4.6 Site access for vehicles must be formalised by a legal right of way instrument where</p>

	<p>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>	<p>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>5.6.1.4.7 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>Residential Policy 4.2.7.3</p>	<p>...</p> <p>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. <u>For non-residential activities in Inner Residential Areas adjoining the Central Area consideration should also be given to Policy 12.2.1.2.</u></p> <p>...</p>	<p><u>Matters to consider when assessing applications for non-residential activities, including work from home activities, include:</u></p> <ul style="list-style-type: none"> • Whether the scale of any buildings or other structures on the site would be generally compatible with existing residential development. The Plan’s aim is to ensure that new development generally reflects established building forms. More substantial building development may be acceptable in certain circumstances where: <ul style="list-style-type: none"> - the size or location of sites permits a greater separation from existing development;

		<ul style="list-style-type: none"> - the local topography or existing vegetation will diminish the impact of new development; or - development on adjacent sites is similar in size and scale. • Whether the site is appropriately located for the scale of building development proposed and the intensity of the activity. Large or more intensive developments are generally favoured in locations where they adjoin or extend existing non-residential development (such as established Centres) or where they are isolated from established housing. Council seeks to encourage the general dispersal of non-residential activities in Residential Areas to avoid the creation of new unplanned Centres and to protect sensitive areas such as the coast. Council will also consider the effects on residential character and amenity with any new non-residential development. In particular clusters of non-residential activities that are disruptive of residential amenities such as the loss of informal, round the clock surveillance and townscape character should be avoided. • For non-residential activities in Inner Residential Areas,
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		<p>adjoining the Central Area consideration should <u>shall</u> also be given to <u>Central Area Policy 12.2.1.2</u>.</p> <ul style="list-style-type: none"> • Whether the design and appearance of any new buildings and structures reflect the form and scale of residential buildings and structures. Where appropriate, sites should be landscaped to a high standard, particularly on site boundaries. Existing vegetation on the site should be retained where possible. <p>...</p>
<p>Non-notification clause in Residential Rule 34.3.9</p>	<p>...</p> <p>Non-notification/ service</p> <p>In respect of Rule 34.3.9.4 (<u>yards</u>) 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 <u>breaches standard 7.6.2.5.1 in relation to Porirua Stream and tributaries.</u></p> <p>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:</p> <ul style="list-style-type: none"> • 34.3.9.4 (yards) • 34.3.9.7 (verandahs) • 34.3.9.10 (noise insulation 	<p>...</p> <p>Non-notification/service</p> <p>In respect of item Rule 34.3.9.4 (<u>yards</u>) 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.</p> <p>In respect of the following items <u>item 34.3.9.8 (high voltage transmission lines)</u> 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):</p> <ul style="list-style-type: none"> • 34.3.9.4 (yards)

	and ventilation)	<ul style="list-style-type: none"> • 34.3.9.7 (verandahs) • 34.3.9.10 (noise insulation and ventilation) <p><u>In respect of the following items applications will not be publicly notified (unless special circumstances exist) or limited notified:</u></p> <ul style="list-style-type: none"> • <u>34.3.9.4 (yards)</u> • <u>34.3.9.7 (verandahs)</u> • <u>34.3.9.10 (noise insulation and ventilation)</u>
Residential Standard 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). <u>In all other Residential Areas an accessory building shall have a maximum height of 3.5m.</u>	<p><u>Any accessory building in Residential Areas shall have a maximum height of 3.5 metres, 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 (measured from ground level directly in front of the proposed accessory building).</u></p> <p><i>The front of accessory buildings is the side nearest to the street.</i></p>
Residential Standard 5.6.2.5.5	In Residential Areas (excluding the Oriental Bay Height Area) an additional 1m metre can be added to the maximum height (stated in the rules standards <u>5.6.2.5.1 or 5.6.2.7</u>) of any building with a roof slope of 15 degrees or greater (rising to a central ridge) as illustrated on the following diagram:	In Residential Areas (excluding the Oriental Bay Height Area) an additional 1 metre can be added to the maximum height (stated in standards <u>5.6.2.5.1, 5.6.2.5.4 and 5.6.2.7</u>) of any building with a roof slope of 15 degrees or greater (rising to a central ridge) as illustrated on the following diagram:
Residential Policy 4.2.4.1		<p>Policy 4.2.4.1</p> <p>.....</p> <p>The scale and placement of new buildings, including accessory buildings, can have a significant impact on the amenity enjoyed by neighbouring properties; and</p> <p>.....</p>

		<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 relationships to neighbouring properties</u>. 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. <u>Although accessory buildings are limited to a single storey.</u></p> <p>.....</p>
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Section 32AA Evaluation Report

Table 1: Include a cross-reference to Central Area Policy 12.2.1.2 in the explanation to Residential Area Policy 4.2.7.3

<p>Description</p>	<p>Include a cross-reference to Central Area Policy 12.2.1.2 in the explanation to Residential Area Policy 4.2.7.3 to avoid Central Area Policy 12.2.1.2 been overlooked when Council officers are assessing resource consent applications for non-residential activities in Inner Residential Areas.</p>	
	<p>OPTION 1: Do Nothing – Retain Existing Provisions</p>	<p>OPTION 2: Include a cross-reference to Central Area Policy 12.2.1.2 in the explanation to Residential Area Policy 4.2.7.3 This is the RECOMMENDED option.</p>
<p>Costs</p>	<ul style="list-style-type: none"> • Environmental costs – Medium. Sub optimal environmental outcomes may arise if the cross-reference is not included in the District Plan. This is because non-residential activities may encroach into Inner Residential Areas. • Economic costs – Low. No reduction in property rights, • Social costs – Low. Sub optimal social outcomes may arise if the cross-reference is not included in the District Plan as the amount of land available for housing in Inner Residential Areas may be reduced. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
<p>Benefits</p>	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensure the environmental objectives of the Plan are achieved. This is because Central Area Policy 12.2.1.2 will no longer be overlooked despite its location in the Central Area chapter. • Economic benefits –Low. Property rights maintained. • Social benefits – Medium. Ensures good planning outcomes for communities. There will also be more sites available for housing.
<p>Efficiency & Effectiveness of achieving Objectives</p>	<ul style="list-style-type: none"> • The Plan’s objectives would be less efficiently and effectively achieved as the cross-reference may be overlooked by Council officers given its current location in the Central Area chapter. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the plan’s objectives as a cross-reference to Central Area Policy 12.2.1.2 in the Residential Areas chapter will ensure that non-residential activities do not encroach into Inner Residential Areas.
<p>Most appropriate for achieving Objectives</p>	<ul style="list-style-type: none"> • Not considered appropriate, as Central Area Policy 12.2.1.2 may continue to be overlooked given that there is no direct reference to the Policy in the Residential Areas chapter. 	<ul style="list-style-type: none"> • Appropriate, as the cross-reference will ensure that non-residential activities do not encroach into Inner Residential Areas.

Table 2: Amend Residential Standard 5.6.1.4		
Description	Amend Residential Standard 5.6.1.4 to avoid inappropriate vehicle access.	
	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend Residential Standard 5.6.1.4 This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – Medium. Sub optimal environmental outcomes may arise if the Plan is not applied correctly. • Economic costs – Medium. The processing of resource consents may take additional time if the Plan is not easily interpreted. Costs would be borne by developers through consent processing charges. • Social costs – Low. Sub optimal social outcomes may arise if the Plan is not applied correctly. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensures the environmental objectives of the Plan are correctly applied. • Economic benefits – Medium. Processing of resource consents may be streamlined due to the Plan being easier to interpret. • Social benefits – Medium. Ensures good planning outcomes for communities.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan’s objectives would be less efficiently and effectively achieved as the provisions have been identified as unclear and may result in the Plan being applied incorrectly. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the plan’s objectives as the changes would clarify how they are meant to be given effect to.
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Not considered appropriate, as the provisions are unclear and do not provide certainty for applicants. 	<ul style="list-style-type: none"> • Appropriate, as the changes allow for more informed decision making processes that meet the Plan objectives.

Table 3: Amend Residential Standard 5.6.2.5.4

Description	Amend Residential Standard 5.6.2.5.4 to prevent applicants from putting forward a permitted baseline argument for infill development and to avoid the potential adverse effects of accessory buildings on neighbouring properties.	
	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend Residential Standard 5.6.2.5.4 This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – Medium. Lack of height controls may result in adverse effects on the streetscape and adjoining properties. • Economic costs – Medium. The processing of resource consents may take additional time if the plan is not easily interpreted. Costs would be borne by developers through consent processing charges. • Social costs – Low. Sub optimal social outcomes may arise if the plan is not interpreted correctly. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensures adverse effects on adjoining properties are minimised. • Economic benefits – Medium. Processing of resource consents may be streamlined due to the Plan being easier to interpret. • Social benefits – Low. Ensures good planning outcomes for communities.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan's objectives would be less efficiently and effectively achieved as they allow accessory buildings to be built to the same height as dwellings. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the plan's objectives as it will prevent developers from putting forward a permitted baseline argument for infill development.
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Not considered appropriate, as it allows developers to put forward a permitted baseline argument for infill development. 	<ul style="list-style-type: none"> • Appropriate, as the changes allow more informed decision-making processes that meet the Plans objectives.

Table 4: Amend the non-notification clause in Residential Rule 34.3.9		
Description	Amend the non-notification clause in Residential Rule 34.3.9 to simplify it without changing its intent.	
	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend the non-notification clause in Residential Rule 34.3.9 This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – Low. Sub optimal environmental outcomes may arise if the Plan is not applied correctly. • Economic costs – Medium. The processing of resource consents may take additional time if the Plan is not easily interpreted. Costs would be borne by developers through consent processing charges. • Social costs – Low. Sub optimal social outcomes may arise if the Plan is not applied correctly. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensures the environmental objectives of the Plan are correctly applied. • Economic benefits – Medium. Processing of resource consents may be streamlined due to the Plan being easier to interpret. • Social benefits – Medium. Ensures good planning outcomes for communities.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan’s objectives would be less efficiently and effectively achieved, as the GWRC would be notified of yard breaches that are not of its concern. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the Plan’s objectives as changes would clarify how they are meant to be given effect to.
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Not considered appropriate, as it is not clear which matters in Standard 34.3.9.4 that the GWRC wants to be notified of in the event of yard breaches. 	<ul style="list-style-type: none"> • Appropriate, as the changes allow more informed decision making processes that meet objectives.

Table 5: Amend Residential Area Policy 4.2.4.1		
Description	Amend Residential Area Policy 4.2.4.1 to relate to accessory buildings given that they are not covered by the definition of 'buildings' in the District Plan.	
	OPTION 1: Do Nothing – Retain Existing Provisions	OPTION 2: Amend Residential Area Policy 4.2.4.1 This is the RECOMMENDED option.
Costs	<ul style="list-style-type: none"> • Environmental costs – Low. Sub optimal environmental outcomes may arise if accessory buildings are not included in Residential Area Policy 4.2.4.1. • Economic costs – Medium. The processing of resource consents may take additional time if the Plan is not easily interpreted. Costs would be borne by developers through consent processing changes. • Social costs – Low. Sub optimal social outcomes may arise if the Plan is not applied correctly. 	<ul style="list-style-type: none"> • Environmental costs – None identified. • Economic costs – Low. Costs of processing the Plan Change. • Social costs – None identified.
Benefits	<ul style="list-style-type: none"> • Environmental benefits – None identified. • Economic benefits – None identified. • Social benefits – None identified. 	<ul style="list-style-type: none"> • Environmental benefits – Medium. Ensures the environmental objectives of the Plan are achieved. Potential adverse effects will also be minimised on adjoining properties. • Economic benefits – Medium. Adjoining neighbours' property values will be maintained. • Social benefits – Medium. Ensures good planning outcomes for communities.
Efficiency & Effectiveness of achieving Objectives	<ul style="list-style-type: none"> • The Plan's objectives would be less efficiently and effectively achieved as accessory buildings could be misinterpreted as not applying to Residential Area Policy 4.2.4.1 given that 'buildings' are defined separately from 'accessory buildings' in the District Plan. 	<ul style="list-style-type: none"> • Most efficient and effective in achieving the plan's objectives as accessory buildings will be recognised as their own activity in Residential Area Policy 4.2.4.1 given that 'buildings' and 'accessory buildings' are defined separately in the District Plan.
Most appropriate for achieving Objectives	<ul style="list-style-type: none"> • Not considered appropriate, as it is unclear whether Residential Area Policy 4.2.4.1 applies to accessory buildings. 	<ul style="list-style-type: none"> • Appropriate, because the changes meet the Plan's objectives and make it clear that Residential Area Policy 4.2.4.1 applies to accessory buildings.