

Proposed District Plan Change 72

Residential Area Review

April 2010

(annotated Chapters showing Officers recommendations)

Wellington City District Plan

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OFFICERS REPORT FOR:

District Plan Hearings Committee

SUBJECT:

District Plan Change No. 72 – Residential Review

DATE OF HEARING:

26 April – 11 June 2010

1. PROPOSED DISTRICT PLAN CHANGE 72 – RESIDENTIAL REVIEW

Proposed District Plan Change 72 (DPC 72) is a full review of the residential chapters of the District Plan. It builds on the provisions of the operative District Plan and incorporates Council's current strategic and policy directions. It includes the following key changes:

- two new 'Areas of Change' surrounding the Johnsonville and Kilbirnie town centres to provide for medium-density housing
- a new character area to recognise the unique character of Wellington's 'residential coastal edge'
- amendments to the Inner Residential Area rules covering the demolition of buildings built prior to 1930 to make them more effective
- amendments to other policies, rules, definitions and planning maps to improve the effectiveness of the Plan.

DPC 72 was publicly notified On 29 September 2009 and submissions closed on 27 November 2009. In total, 366 submissions were received on the plan change. The Summary of Submissions was prepared and publicly notified on 2 February 2010 with further submissions closing on 2 March 2010. 15 further submissions were received.

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

2. RECOMMENDATION

It is recommended that the Hearings Committee:

1. *Receive the information.*
2. *Approve proposed District Plan Change 72 with amendments described in this report resulting from the consideration of submissions.*

3. BACKGROUND

3.1 Rolling Review

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

The Plan Changes were guided by the legislative requirements, Council's strategic framework and results from the monitoring of various provisions of the Residential Area rules. Overall, the Plan Change seeks to refine the approach adopted in operative District Plan. Whilst some significant changes have been put forward, the basic philosophy of the Plan remains unchanged.

The Council publicly consulted on draft changes to the Residential Area and Suburban Centres chapters for an extended period from 8 December 2008 to 1 April 2009¹. Council initiated the consultation on 4 December 2008 with advertisements placed in the Dominion Post and The Wellingtonian.

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

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

A number of workshops were also held with different professional groups, including the New Zealand Institute of Architects, New Zealand Institute of Surveyors, New Zealand Planning Institute, and the Property Council.

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

Plan Change 72 was notified on 29 September 2009, with submissions closing on 27 November 2009. The summary of submissions was notified on 2 February 2010, with further submissions closing on 2 March 2010.

3.2 Legislative Requirements

The requirements for processing District Plan Changes are contained in Part 1 of Schedule 1 to the Resource Management Act 1991. Following public notification of the change and the lodging of submissions and further submissions, the Council is required to hold a hearing of the submissions in accordance with clause 8B.

Preparation of an Officers report is not a statutory requirement, but this report has been prepared to provide a framework for the consolidation of submissions points raised.

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

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

Officers note that Plan Changes 72 and 73 were publicly notified prior to the 2009 amendment to the RMA and is being processed under the provisions that applied at the time of notification.

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

4. SUBMISSION ANALYSIS

In total, 366 original submissions were received on the Plan Change and 15 further submitters. The submissions received deal with a wide range of topics, but the Johnsonville Area of Change was by far the most controversial element of the plan change providing the focus for approximately 280 submissions.

The submission of the Johnsonville Progressive Association was accompanied by a 140 page petition opposing the Johnsonville Area of Change.

108 submitters and 13 further submitters indicated that they wished to be heard.

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

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

4.1 General Submissions

4.1.1 General Support

Submissions

Specific issues raised in submissions include:

- Supports Plan Change 72 (**submissions 13, 18, 19, 20, 25, 26, 27, 29, 84 & 140**)
- Submitter is happy with proposed Plan Change 72. (**submission 365**)
- The District Plan should recognise that the majority of those seeking guidance are looking for simple answers to their questions. (**submission 13**)
- No specific decision is requested. (**submissions 65, 90 & 92**)

Discussion

The support of these submissions should be accepted.

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

Recommendation

- **Accept** submissions 13, 18, 19, 20, 25, 26, 27, 29, 65, 84, 90, 92, 104 and 365 insofar as they generally support DPC 72.

4.1.2 General Oppose

Submissions

Specific issues raised in submissions include:

- Do not proceed with District Plan Change 72. (**submission 72**)
- Oppose District Plan Change 72 (**submissions 265, 91, 89, 85, 86, 93, 127, 133, 134, 153, & 160**)
- Don't change the District Plan (**submissions 336 & 303**)
- Council must consult with public about Plan Change 72; should be public meetings and published research on the effects of such change; Council needs to listen to the rate payers. (**submission 151**)

- Extend consultation period and listen to Johnsonville residents. (**submission 152**)
- It should be left up to the individual property owner to decide what they want to do to their property or its development. (**submission 311**)

Discussion

These submitters oppose DPC 72 in its entirety, but do not provide specific details as to which parts of the plan change they oppose. **Submissions 151** and **152** object to the consultation process undertaken and request that the consultation process be extended.

Officers do not recommend withdrawing DPC 72. The plan change is required in order to help deliver Council's strategic vision for the city and to better enable Council to meet its obligations under the RMA. It is a robust document that has been informed by a substantial amount of monitoring, investigation, analysis and testing.

Council Officers consider that consultation on DPC 72 has been full and thorough. The plan change was publicly advertised as a draft plan change from 8 December 2008 to 1 April 2009. The plan change is now going through a second, formal plan change and submission process. Officers consider that combined, these processes are sufficient to allow submitters to raise concerns regarding the proposed provisions and for Council to consider the merits of those submissions.

Officers therefore recommend that DPC 72 be retained. In making this recommendation Officers note that amendments recommended elsewhere in this report may go some way to easing the concerns of these submitters.

Recommendation

- **Reject** submissions 72, 91, 89, 85, 86, 93, 127, 133, 134, 153, 160, 265, 303, 311 and 336 insofar as they oppose all of DPC 72 and seek Council to abandon the plan change process.
- **Reject** submissions 151 and 152 insofar as they request that additional consultation be undertaken with all rate payers and Johnsonville residents.

4.2 Managing infill and multi-unit developments

4.2.1 Approach to managing infill and multi-units

Submissions

Specific issues raised in submissions include:

- Allow greater scope for infill housing across the city, but still allow basic protection of residential amenity through rules on sunlight protection. (**submission 51**)
- Amend the policies and rules to encourage high density residential development around the CBD and other centres. (**submission 51**)
- Infilling affects the amenity of residents, causes traffic/parking congestion and places pressure on infrastructure. (**submission 13**)
- Do not build apartments or apartment style dwellings in areas that are predominantly single dwellings. (**submission 83**)
- Amend District Plan Change 72 to remove provisions for high density infill housing. (**submission 229**)
- When considering effects of infill housing amenity values should be paramount and not subsidiary. (**submission 13**)
- Inner Residential Areas and Highbury should be recognised as already being densely developed, and consequently further multi-unit infilling should be absolutely prohibited in these areas. (**submission 13**)
- Mt Victoria is already densely developed and further infill development should be

- Oppose medium density housing (**submission 105**)
- Oppose infill housing. (**submission 87 & 95**)
- Restrict infill housing to a dwelling that matches the height and proportion of those of its immediate neighbours. (**submission 83**)
- Require that new multi-unit developments must follow the footprint of the four properties on either side, with particular emphasis placed on the retention of predominant patterns of rear yards. (**submission 37**)
- All multi-unit developments should conform in all respects to the footprint of the eight houses on either side. (**submission 362**)
- Make any building consents subject to neighbours approval. (**submission 83**)

Discussion

These submissions raise a variety of matters relating to the Council's approach to managing infill and multi-unit development. In order to understand Council's current approach it is useful to consider the results of Council's previous attempts to manage this issue.

Council has a long standing policy of urban containment to avoid urban sprawl and ensure efficient use of existing infrastructure and services.

Although the Operative District Plan provides for some degree of expansion north of the existing city, the focus was to facilitate urban containment by providing for residential intensification in all areas of the city. This approach was successful insofar as it allowed infill and multi-unit housing to be efficiently developed throughout the city in response to market demand. However by the mid-2000's the effects of this sporadic residential intensification had resulted in a significant public backlash, with many residents concerned with the impact that infill and multi-unit housing was having on the character and amenity of their suburbs.

Council responded to these issues in early 2007 with a two pronged strategy. The first response came in the form of District Plan Change 56 which introduced new provisions to better manage the effects of new infill and multi-unit developments. The intention of DPC 56 was to continue to provide for some degree of infill and multi-unit development in existing urban areas, but with a much stronger focus on issues of residential amenity and neighbourhood character. Key aspects of DPC 56 included:

- Strengthening of the policies regarding residential amenity and residential streetscape
- Reducing the permitted height of the second unit on a site to 4.5m (i.e. a single storey) on Outer Residential sites of less than 800sqm
- Introduction of an open space requirement per dwelling (i.e. 35m² for Inner Residential areas, or 50m² for Outer Residential areas)
- Tighter controls on subdivision, and a revised subdivision design guide
- Updated Multi-unit Design Guide, renamed the Residential Design Guide
- Revised non-notification statements for multi-unit development to enable increased affected party involvement in resource consent processes.

DPC 56 was made operative in 10 July 2009. In terms of the impact of DPC 56, the feedback from Council's resource consent planners indicates that the plan change has resulted in a reduction in the number of applications being lodged for infill and multi-unit developments, and that those that are being lodged have generally been of a higher quality than occurred prior to DPC 56.

Concurrently with Plan Change 56, Council initiated a public consultation exercise regarding the long term management of residential intensification in Wellington. The consultation was initiated on the basis that Plan Change 56 on its own did not resolve all

of the issues around residential intensification. With projected increases in Wellington's population, it was considered that pressure for infill and multi-unit development would continue into the future. A new strategy was needed for managing this intensification. Council released a discussion document on urban intensification in mid-2007, which saw a strong endorsement for the idea of targeting new infill and multi-unit developments in identified areas (over 80% of respondents).

Following consultation Council made a decision to pursue a 'targeted approach' to residential intensification. Intensive housing development would be directed to specific 'areas of change' where the benefits of the intensification would be greatest. These tended to be areas close to existing town centres, with good access to public transport and a range of services. Four initial areas were chosen – Johnsonville, Adelaide Road, Kilbirnie and the Central City.

DPC 72 brings together both elements of Council strategy of managing infill and multi-unit development into a single statutory planning framework.

Submission 51 seeks a relaxation of Council's policies to enable infill housing throughout the city. As explained above, there is still scope to undertake infill and multi-unit development throughout the city, where it can be demonstrated that it will not adversely impact on residential amenity and neighbourhood character. Officers consider that this approach is appropriate.

Submission 51 also seeks amendment to encourage intensification around the CBD and other centres. In contrast **submissions 13 and 27** request that further infill be prohibited in the suburbs surrounding the central city on the grounds that they are already densely developed.

Officers do not support the inclusion of policies to encourage high density residential development surrounding the CBD. These suburbs are already relatively densely developed and have very strong townscape and heritage values which contribute significantly to the sense of place of Wellington City as a whole. It would be difficult to protect these values while also pursuing a specific policy of urban intensification. Officers also note that the CBD itself provides significant scope for further residential intensification.

Officers do not support the idea of prohibiting infill development within certain areas or suburbs. Rather it is considered that Council should focus on ensuring that any development that does occur is sympathetic to local character, and is compatible with existing development on adjoining properties.

Submissions 13, 83, 87, 95, 105, and 229 either oppose further infill and multi-unit development, or seek a tightening of the rules to place a greater emphasis on protection of residential amenity, neighbourhood character and the adequate provision of infrastructure.

Submission 13 also requests that the planning provisions be amended so that amenity values are paramount and not subsidiary, when considering the effects of infill housing. **Further submission 12** supports this submission.

In response, Officers consider that DPC 56 has been effective in terms of allowing a more balanced assessment of infill and multi-unit developments, with a stronger focus now being placed on issues of residential amenity and neighbourhood character. However DPC 56 has only been operative for nine months, so as yet there is little physical, 'on the ground' evidence of the effectiveness of the new controls. Officers consider that the provision of DPC 56 should be given an opportunity to bed in before any significant changes are made to the manner in which the District Plan manages infill and multi-unit development in the Inner and Outer Residential Areas.

Submissions 37, 83 and 362 requests that any new development be required to conform with the height and footprint of its immediate neighbours (i.e. the four houses on either side). Officers agree that matching the patterns of adjacent properties can often

be a useful tool to help reduce the impact of new development on neighbouring properties and ensure that new development fits in with local character. However to achieve this through prescribed standards would be very difficult due to variations in landform, topography, lot patterns and building siting across the City. Instead Officers consider that this matter is most effectively dealt with by way of the urban design assessment for new multi-unit developments, and note that guideline G1.1 the Residential Design Guide includes surrounding patterns of development as one of the 'primary characteristics' used to establish local context.

Submission 83 requests that all building consents should be subject to neighbours approval. In response Officers note that building consents and town planning are separate processes managed under separate legislation, and this plan change cannot influence the application of the building code. Officers also consider that some degree of permitted building work is very beneficial in that it enables property owners to alter and adapt their properties to meet their needs without the need for resource consent. The key is to ensure that the threshold for such works is set at a level that provides a suitable balance between the potential impact of those works on adjoining property owners.

Recommendation

- **Reject** submission 51 insofar as it requests greater scope for infill development across the city and high density residential development around the CBD.
- **Reject** submissions 13 and 27 insofar as they request that infill development be prohibited in Mt Victoria and other inner city suburbs.
- **Reject** submissions 13, 83, 87, 95, 105, and 229 insofar as they request further tightening of the rules relating to infill and multi-unit housing
- **Reject** submissions 37, 83 and 362 insofar as they request that the plan require new development to conform to the height, proportions and siting of its immediate neighbours
- **Reject** submission 83 insofar as it requests that all building consents be subject to neighbours approval.

4.2.2 Infill and multi-units – policies, rules and definitions

Submissions

Specific issues raised in submissions include:

- Retain the existing definition of 'infill household unit'. (**submission 55**)
- Amend the definition of infill household unit by removing the reference to 'site area'. (**submission 56**)
- Remove the words 'site area' from bullet points three and four of the definition of 'multi-unit development'. (**submission 55**)
- Amend the definition of multi-unit development to remove the reference to 'site area'. Also remove the reference to 'infill household unit' as it is not necessary to consider over height infill units as a multi-unit development. (**submission 56**)
- Amend the definition of multi-unit development to increase the threshold for the numbers of units permitted in 'greenfield' areas. (**submission 45**)
- Amend the notification statement attached to rule 5.3.7 to provide for two story buildings, particularly within 'greenfield' sites where multi-unit development has already been approved in principle. (**submission 45**)
- Retain policy 4.2.1.5 which relates to intensification in Inner and Outer Residential Areas as notified. (**submission 30**)
- Amend policy 4.2.3.5 to note that the ground level open space requirement maybe be reduced if suitable alternative open space is provided such as roof top open space or

- Amend policy 4.2.4.2 to clarify that any adverse effects on neighbours should be 'mitigated'. Remove the reference to 'site area' from the explanation of the policy and amend the explanation to clarify that there cannot be 'a second infill unit' and to remove the requirement that over height infill units are considered as multi-unit developments. (**submission 56**)
- Amend policy 4.2.4.2 by replacing the term 'site area' with 'land area'. (**submission 55**)
- Amend policy 4.2.4.2 to provide for the development of sites exactly 800 square metres in area. (**submission 55**)
- Amend policy 4.2.4.2 to eliminate the implication that three units can be built on an Outer Residential site as an infill development. (**submission 55**)
- Amend the wording of policy 4.2.4.2 to ensure that infill and multi-unit developments 'ensure that they provide high quality living environments and mitigate any adverse effects on neighbouring properties'. (**submission 55**)
- Amend the policies to provide for the consideration of permitted baseline scenarios when assessing the effects of new multiunit developments. (**submission 43**)

Discussion

As noted in section 4.2.1 the current rules used to manage infill and multi-unit development in the Inner and Outer Residential zones were developed as part of Plan DPC 56. The intention of DPC 56 was to continue to provide for some degree of infill and multi-unit development in existing urban areas, but to place a stronger focus on issues of residential amenity and neighbourhood character. Key changes made through DPC 56 included:

- A definition of 'infill household unit' was added to refer to the addition of a second unit on a site. The definition of infill unit only applies in the outer Residential zone, as two units on a site in the Inner Residential zone was already considered to be a 'multi-unit development'. On sites less than 800 sq.m, DPC 56 limited the permitted height of an infill unit to a single storey (taken to be 4.5 metres on a flat site and 6 metres on a sloping site). On sites 800 sq.m or over an infill unit was permitted up to 8 metres in height. The intention of limiting the height of infill units to a single storey was to reduce the potential for these units to significantly impact on neighbourhood character or the daylight, outlook and privacy of neighbouring properties.
- The non-notification clause attached to the multi-unit development rule was amended so that developments that contained units over 4.5 metres in height (6 metres on a sloping site) lost the presumption of no-notification. As a result such applications can be notified if effects on neighbouring properties or local character are considered to be significant.

While the rules introduced by DPC 56 are sound, to a degree their legibility was compromised by the need to retrofit the new rules into the existing plan structure. In developing DPC 72 Officers attempted create a single consistent rule framework that picked up the key elements of the operative District Plan and DPC 56.

A number of submissions have raised concerns that the new rule structure has modified the intent of the original rules, and in some situations made the provisions less clear. In particular **submissions 55 and 56** request that Council retain the definition of 'infill household unit' contained within DPC 52, and that over height infill household units be removed from the definition of 'multi-unit development'.

On reflection, Officers acknowledge that some of the changes made to the structure of the residential rules and definitions have, unintentionally, had the affect of modifying the intent of the original provisions contained in DPC 56, and in some cases have made the rules harder to interpret. To resolve this, Officers recommend accepting the above points

made in **submissions 55 and 56** and amending the infill and multi-unit provisions as follows:

- a) Reinstate the definition of infill household unit inserted by DPC 56. This involves removing the reference to 'site area' from the definition, so that the site area cut-off of 800 sq.m applies as per the original intent of DPC 56. Further **submission 10** opposes this change sought by **submission 55**.
- b) Amend the definition of 'multi-unit development' so that over height 'infill household units' do not become multi-units by default. Officers agree that requiring a full multi-unit assessment to be undertaken for an over height infill unit is unduly onerous, especially if the height breach is minor. Instead Officers consider that over height infill units can be adequately assessed under discretionary (restricted) rule 5.3.4.5 which allows consideration of the impact of the work on 'the amenity values of adjoining properties' and 'the character of the surrounding neighbourhood, including the form and scale of neighbouring buildings'.
- c) Given amendment b) above, the definition of multi-unit development could be simplified to read:

MULTI-UNIT DEVELOPMENT: means any development that will result in:

- *two or more household units on a site in the Inner Residential Area and Area of Change zones; or*
- *two or more household units on any Outer Residential Area site that is located within the Residential Coastal Edge area; or*
- *three or more household units on any other site in the Outer Residential Area.*

But does not include:

- *residential development within the Oriental Bay Height Area*
- *the conversion of an existing building (constructed prior to 27 July 2000) into two household units, provided the conversion will not result in more than two household units on a site.*

In expectation of the above changes **submissions 55 and 56** request a range of amendments to policy 4.2.4.2, which deals with the impact of new infill and multi-unit developments on neighbouring properties. In particular the submissions request:

- amend the wording of the policy by removing the phrase 'and do not result in inappropriate adverse effects on neighbouring properties' and replacing it with 'and mitigate any adverse effects on neighbouring properties'.
- Replace references to 'site area' in the explanation with 'land area'
- Amend the wording of the fifth paragraph of the explanation to deal with sites of exactly 800sq.m
- Amend the wording of the sixth paragraph of the explanation to remove the implication that three units can be built on an outer residential site as infill development.
- Amend the seventh paragraph of the explanation to clarify that over height infill units are not considered as multi-unit developments.

Officers support these changes on the grounds that they are required in order to make the policy consistent with the suggested amendments to the definitions and rules regarding infill and multi-unit developments. Officers do consider that the policy should refer to "avoid or mitigate", rather than just mitigate.

Submission 43 seeks amendments to the policies to allow consideration of 'permitted baseline' scenarios when assessing the effect of new multi-unit developments, or

alternatively that the following text be added after the three bullet points in the explanation to policy 4.2.4.2:

In assessing these matters consideration will also be given to the maximum height standards (see Table 6, Chapter 5)

Officers do not support the re-introduction of permitted baseline scenarios for the assessment of multi-unit developments, as their removal was a key element of DPC 56. But Officers agree that the alternative text should be added to policy 4.2.4.2 on the grounds that it clarifies that the maximum buildings heights contained in Table 6 do still apply to multi-unit developments.

Submission 30 requests that policy 4.2.1.5 relating to intensification in the Inner and Outer Residential Areas be retained as notified. This submission should be accepted.

Submission 45 is concerned that the multi-unit rules will unnecessarily impact on future multi-unit development undertaken in the 'greenfield' areas north of the city. The submitter is particularly concerned that any proposal to include double storey units would trigger notification under the non-notification statement attached to rule 5.3.7. The submission requests that multi-units on 'greenfield' sites be excluded from the height limit contained in the non-notification statement.

In response Officers note that the structure of the current rule does not require notification of any consent including buildings over 4.5 metres. Rather these consents lose the presumption of non-notification, enabling the consent to be notified if the effects of the proposal are considered to be more than minor. However Officers acknowledge that the current non-notification provisions were intended to enable Council to manage the development of multi-unit developments in established urban areas. They are less relevant to the northern growth areas where the urban form is being established as sites are developed. Officers recommend adding the following text the explanation of policy 4.2.4.2 to clarify this matter:

On 'greenfield' sites in the northern growth management area, where the future urban form is yet to be established and there are no existing residential landuses on adjoining sites, consideration of the impact of multi-unit developments on the character and amenity of surrounding area is less relevant. In these situations Council will consider the location, design and layout of new multi-unit developments, with building bulk and location being considered at the time of subdivision design.

However Officers do not support removal of the current non-notification for 'greenfield' sites. This would raise uncertainty as to what constitutes a 'greenfield' site, and also raises the question of when a 'greenfield' site transition to being an established neighbourhood where consideration of effect on neighbouring properties becomes more relevant. Instead of amending the non-notification statement Officers consider that a better approach is to approve the bulk and location controls applying to new multi-unit developments at the time that the subdivision plans are submitted for approval. This approach has already been applied to several sites in the northern growth area with some success.

Submission 43 requests that policy 4.2.3.5 be amended to note that the ground level open space requirement may be reduced if suitable alternative open space is available in the form of a roof garden or communal/shared open space. Officers support this suggestion, on the basis that it provides some flexibility to consider different design options, without compromising the over-arching intent that new development compliment the surrounding residential context. The resulting policy would read as follows:

The nature and quality of open space provided, and its relationship to the dwelling type, design and the layout of buildings on site will be instrumental in how well a development fits into an existing neighbourhood. In some cases it maybe acceptable to lower the open space provision if it can be demonstrated that the open space provided, including any roof top open space and on-site communal/shared open space, is of high quality, responds well to the overall development concept and

complements the surrounding residential context. An application to reduce the open space requirement will need to be able to demonstrate that:

- The resulting development is of a scale, type and character that acknowledges, and complements, the prevailing patterns and qualities of the surrounding neighbourhood (as judged against the content of the Residential Design Guide).
- The development adequately resolves issues regarding building layout and the degree of separation between buildings (both on site and with adjoining sites).
- The resulting development contains sufficient open space, including where appropriate rooftop open space and on-site communal/shared open space, to integrate into the surrounding neighbourhood.
- The open space provided is of high quality and will provide superior amenity for occupants.

Recommendation

- **Accept** submissions 55 and 56 insofar as they request amendments to the definitions and policies relating to the management of infill and multi-unit development.
- **Accept** submission 30 insofar as it supports policy 4.2.1.5.
- **Accept** submission 43 insofar requests amendments to policy 4.2.4.2 to recognise height standards, and policy 4.2.3.5 regarding provision of open space.
- **Accept in part** submission 45 insofar as it request greater recognition for multi-units undertaken in the northern growth area.
- **Accept** submissions 30 insofar as it supports policy 4.2.1.5.

4.2.3 Urban expansion – greenfield development

Submissions

Specific issues raised in submission include:

- Amend the first sentence of policy 4.2.1.1 by replacing the words 'will only be considered where it can be demonstrated that' with 'should demonstrate how'. (**submission 55**)

Discussion

Policy 4.2.1.1 deals with the issue of urban expansion beyond the existing urban limit. The policy was carried over from the operative plan.

At present the policy states that:

Expansion beyond the existing urban form will only be considered where it can be demonstrated that the expansion:

- will promote an efficient urban form
- will support sustainable transport options
- will allow for efficient use of existing infrastructure
- can be adequately supported by existing infrastructure
- incorporates low impact urban design, low impact subdivision and facilitates energy efficient building design

Submission 55 considers that the wording of the current policy is too restrictive, and requests that the phrase 'will only be considered' be replaced with 'should demonstrate how'. **Further submission 10** opposes the changes sought by submission 55.

Officers accept the points raised in **submission 55**, that it is unlikely that any form of urban expansion would be able to meet all of the five criteria specified, and as a result no urban expansion would ever be in accordance with the policy

However Officers have concerns that the proposed alternative wording goes too far in the other direction and could potentially undermine the intent of the policy.

As a middle ground Officers recommend splitting up the criteria between those elements that must be met, and those elements that should be given consideration. The revised wording would be as follows

Expansion beyond the existing urban form will only be considered where it can be demonstrated that the expansion:

- will promote an efficient urban form; and
- will support sustainable transport options

Any proposal will also be expected to demonstrate that the expansion:

- will allow for efficient use of existing infrastructure
- can be adequately supported by existing infrastructure
- incorporates low impact urban design, low impact subdivision and facilitates energy efficient building design

Recommendation

- **Accept in part** submission 55 insofar as it requests amendment to the wording of policy 4.2.1.1.

4.3 Areas of Change

4.3.1 General

Submissions

Specific issues raised in submissions include:

- Supports Johnsonville area of change (**submissions 13, 25, 76, 346, 347, 348, 349, 350, 352, 353, 354, 356, 357, 358, & 359**)
- Do not impose Area of Change on Johnsonville (**submissions 83, 88, 94, 96, 97, 98, 99, 103, 104, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152, 154, 155, 156, 157, 158, 159, 161, 162, 163, 165, 166, 168, 171, 180, 181, 182, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 201, 202, 203, 204, 206, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 227, 228, 230, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 306, 307, 308, 310, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 324, 325, 326, 327, 328, 329 331, 332, 333, 334, 335, 337, 340, 342, 344, & 345**)
- Although submission does not specifically refer to the Johnsonville Area of Change, it implies that the area of change and plan change 72 in total should be thrown out. (**submissions 133 & 134**)
- No specific decisions requested, but opposes Johnsonville Area of Change. (**submission 100**)
- The Area of Change proposal is sound, logical and should be approved subject to Council ensuring that sufficient infrastructure (including schools, parking and traffic management) is provided to accommodate the future growth. (**submission 101**)

- Support Johnsonville Area of Change. It will prepare Johnsonville for expected growth and allow Council to better manage this. **(submission 351)**
- The Area of Change proposals should be applied uniformly across the city, not just to two specific suburbs. **(submission 174)**
- Drop the two designated 'Areas of Change' from Plan Change 72 and replace them with broad principles that would govern intensification in residential areas in the outer suburbs. **(submission 46)**
- Remove Johnsonville from the Areas of Change until it is proven that the Area of Change concept can work elsewhere. Council must ensure major changes to the District Plan are highlighted to communities with feedback provided being properly considered and incorporated into the plan. Council should also review the Johnsonville Town Centre Plan to properly align its objectives with the needs of Johnsonville being North Wellington suburban regional centre. **(submission 355)**
- A well planned programme of infill housing up to 2 storeys high in Johnsonville and other Wellington suburbs together with a well planned new greenfields suburb/s for absorbing future population growth be a better solution. **(submission 321)**
- Please state clearly how Council will deal with traffic congestion problems, lack of availability for schooling, health needs for residents. **(submission 210)**
- Council needs to provide a definitive plan to show how such a concentrated plan will benefit Johnsonville, how it intends to meet the increased demand on basic services (water, sewage, roads, parking, library). **(submission 175)**
- Submitter questions to need for high density living around Johnsonville, given that the demand is for elderly persons accommodation. The area of change should be limited to those areas around Johnsonville that are suitable for accommodating retired people. **(submission 167)**
- Do not proceed with the proposed Areas of Change. Council must ensure major changes to the District Plan are highlighted to communities with feedback provided being properly considered and incorporated into the plan. **(submission 355)**
- Council needs to listen and take seriously the opinions and concerns of Johnsonville residents. **(submission 169)**
- Council should call for submissions again as consultation with Johnsonville residents hasn't been adequate. Council Officers should visit all schools, kindergartens, churches in the area to get a feel for what community members really want. **(submission 341)**
- Extend the consultation period for Johnsonville Area of Change **(submissions 142 & 143)**
- Do not impose Area of Change on Johnsonville. Further consultation with residents is required **(submissions 330 & 343)**
- As a ratepayer, I think we should have a say in what goes on in the Johnsonville Mall area and surroundings. **(submission 360)**
- Stop District Plan Change 72, consult community groups, make amendments after consultation in 6-12 months. **(submission 105)**
- Seek deferral of the proposed Plan Change planning full and proper local consultation with the opportunity to voice their say at the 2010 local body elections. **(submission 232)**
- Defer consideration of this change until important infrastructure work is undertaken in Johnsonville. **(submission 185)**
- Council must ensure that far superior levels of service are provided in the

Johnsonville area. (**submission 167**)

- Council must ensure that increased levels of traffic can be satisfactorily managed in and around Johnsonville. (**submission 167**)
- Council must provide adequate public open space for people living in the Area of Change. (**submission 167**)
- Council must ensure that there is no loss in property values for people that own property within the area of change (**submission 167**)
- Do not impose Area of Change on Johnsonville; or provide more services and infrastructure to cope with the change. (**submission 164**)
- Amend District Plan Change 72 to include plans for more infrastructure including sites for new schools and better traffic routes. (**submission 135**)
- Improve traffic for main roads, like Johnsonville Road (**submitter 163**)
- Remove Johnsonville from Area of Change. Karori would be a better option for this. (**submission 200**)
- Urge that Council abandon these changes and concentrate instead on their core business such as fixing defective infrastructure. (**submission 177**)
- Do not impose Area of Change on Johnsonville. Do not allow 4 storey cheap flatting developments. (**submission 262**)
- Do not impose Area of Change on Johnsonville. Protect this area against medium - high density housing. (**submission 224**)
- Council must provide protection for character housing within the Area of Change. (**submission 167**)
- Support the Area of Change proposal subject to amendments to the rules to provide for the involvement of neighbours in the planning process. (**submission 366**)
- Prepare a large-scale model of the Johnsonville Area of Change showing the type of development anticipated as a result of plan change 72. (**submission 366**)
- Do not impose Area of Change on Johnsonville. Council should protect Johnsonville's character. (**submission 225 & 226**)

Discussion

A large number of submissions were received on Areas of Change, particularly the proposed Johnsonville Area of Change. The submissions received can be roughly broken down into those submissions that support or oppose the strategic and philosophical approach of identifying areas of change, and those submissions that comment on the detailed provision applying to the areas of change, such as policies, rules and boundaries. **Further submission 13** has lodged an overarching further submission that supports those submissions that oppose the Johnsonville Area of Change, and opposes those submission that support the Johnsonville Area of Change.

This section of the report responds to submissions of a strategic or philosophical nature, and sections 4.4 and 4.5 below deal with the more detailed submissions.

The discussion below is organised around the key issues raised in submissions, these being:

- Areas of change - fit within the Council' overall approach to managing growth
- Selecting areas of change – location and distribution
- Selecting areas of change – consultation and engagement
- Provisions of infrastructure and services
- Consideration of character

- Consideration of property values

Areas of change - fit within the Council's overall approach to managing growth

As a starting point for considering submissions both in support and opposition to the concept of areas of change, it is necessary to understand how areas of change fit within the Council's overall approach to managing growth.

The move towards a targeted approach to more intensive housing comes from the Urban Development Strategy (UDS) endorsed by the Council in 2006. The UDS builds on the compact city philosophy and proposes accommodating majority of growth and change within existing urban areas. It also provides a small amount of smart growth at the edges (Northern Growth Management Framework).

There are a number of key drivers that the UDS responds to:

Utilisation of resources

The UDS responds to the aim of trying to improve overall utilisation of existing resources by directing growth to where the benefits are the greatest. Analysis as part of the UDS identified that the areas that have the most ability to serve the needs of future populations are in and around the key centres and transport nodes. The concept of the 'growth spine' emerged from this work – which encourages growth in housing and employment in key centres linked by a public transport spine between Johnsonville and the Airport.

Accommodating growth and improving housing choice

Research informing the development of the UDS indicates that the city will need to provide greater housing choice to better meet the needs of current and future generations². This research indicates that corresponding to a decreasing average household size (2.55 in 2001 to 2.4 in 2021) there will be an increasing demand for medium and high density housing while demand for new traditional family dwellings on residential lots will decline. Additionally, the latest population projections suggest that the city will need to plan for an increase of 51,000 people and 28,000 houses by 2031³. This level of growth is significantly higher than the previous projections and suggests there will be an increasing demand for medium density houses in and around key centres. The issue is already one of concern for the Johnsonville area, which has a predominance of single detached dwellings surrounding the centre. This existing low density stock provides very little choices for younger professionals and older persons wanting to age in the place where they have spent the majority of their lives.

Character and poorly located infill housing

Work on the UDS also identified that there were parts of the city where existing levels of intensification were affecting the character and leading to poor utilisation of existing resources. Plan Change 56 was notified in response to this. It has already resulted in improved outcomes in terms of streetscape and character within inner and outer residential areas, but has resulted in less ability to accommodate growth and provide greater housing choice.

Areas of change are important in this regard. They provide additional scope for the type of housing that is already in short supply, and in doing so, direct it to the parts of the city that provide the most benefits to the community and the wider city.

Another approach is to consider what the implications of not having areas of change:

² *Housing demand and needs in the Wellington Region*, Property Economics, 2005. *UDS Working Paper 9 – Quantifying the growth spine*, WCC 2006.

³ *Sub-national population projections*, Statistics NZ, February 2010.

- There would be increased pressure on centres and business 1 areas for apartments and higher density developments – while there is significant capacity in some areas, this will encroach on commercial land.
- Medium density terrace housing and townhouses (typologies of highest demand) are unlikely to be built in centres and business 1 areas where development economics would favour higher density developments such as apartments.
- There would be increased pressure for infill and medium density development in established residential areas and areas on the edge of the city with potential consequences on residential amenity and character. This would not be ideal considering the strong levels of public support for tightening the rules for infill housing under PC 56.

Fit with regional policy

The UDS and subsequent policy (including DPC 72 and DPC 73) have excellent levels of fit with regional policy, including the Wellington Regional Strategy and the Proposed Regional Policy Statement. To this effect, the Wellington Regional Strategy directs councils in the Wellington Region to:

- encourage medium and higher density housing close to the Wellington CBD, key centres and transport nodes
- protect the character of traditional low-density suburbs by managing infill housing carefully
- identify, with the community, where and how higher density housing will be provided.

Building on this, the Proposed Regional Policy Statement provides succinct guidance on intensification and higher density living. *Policy 30 - Identifying and promoting higher density and mixed use development – district plans* states that district plans shall:

- identify key centres suitable for higher density and/or mixed use development
- identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development
- include policies, rules and/or methods that encourage higher density and/or mixed uses development in and around these centres and locations.

Policy 30 is a regulatory policy which must be given effect to by regional, city or district plans.

Selecting areas of change – location and distribution

A key theme that emerges from submissions in opposition to the concept of areas of change relates to equity of distribution- with several submitters opposing the selective nature of Johnsonville and Kilbirnie as areas of change. For example **submitter 174** submits that areas of change should be applied uniformly across the city, not just to two specific suburbs. On a similar vein, **submitter 46** suggests that areas of change should be dropped and replaced with broad principles that would govern intensification.

The process to select areas of change has been a common discussion point throughout the review of infill housing and intensification – the process leading up to DPC72. There are several points to note regarding this, which aims to provide clarity around the rationale for the Council’s approach to the selection of Johnsonville and Kilbirnie areas of change:

- The Council’s current strategy of nodal intensification resulted in the first instance from community opposition to the previous more uniform approach where medium density residential development was permitted throughout all residential areas.
- The wider residential community through previous consultations have strongly endorsed the preference for a balanced approach that provides additional character

protection in general residential areas (achieved through DPC 56) while targeting intensification to selected areas in and around key centres.

- The policy on intensification (endorsed by the Council in September 09) does more than endorse nodal intensification in and around Johnsonville and Kilbirnie. It confirms the Central City and Adelaide Road as key centres on the growth spine. It also directs Officers to monitor implementation in these centres, and following further assessment on progress, to consider advancing additional proposed areas of change to Tawa, Newlands, Crofton Downs, Karori, Luxford Street (Berhampore) and Miramar.
- The proposed areas of change set out in DPC 72 are not the only areas where growth can or should occur. The existing District Plan with proposed amendments through DPC 72 and DPC 73 allows for growth in the following locations:
 - the Central Area - considerable scope and capacity for apartment living, potentially more than doubling the current population over the long term
 - all Centres as defined in DPC 73 – considerable scope and capacity for lower density apartment living over the long term
 - all Business 1 areas as defined in DPC 73 – considerable scope and capacity for lower density apartment living over the long term
 - existing Residential Areas – even under DPC 56 there is significant scope for low density ‘backyard’ infill housing and, to a lesser extent, multi-unit housing
 - new ‘green-field’ residential areas – significant scope for new residential subdivision development to the north of the City
- The process to determine areas of change has been subject to significant public consultation and engagement, as have the key criteria used to select candidate areas which comprise⁴:
 - Proximity to centres and employment
 - Areas best served by public transport
 - Character and heritage values
 - Carrying capacity of infrastructure and services
 - Environmental constraints and values
 - Development conditions.

Selecting areas of change – process and consultation

Lack of consultation is one of the most common themes from submitters opposing the areas of change – particularly for Johnsonville.

As recorded in the Section 32 Report, the process to determine potential sites for intensification has been subject to significant consultation and engagement, starting with the development of the UDS in 2006. Key procedural milestones comprise:

- Early 2006 - Urban Development Strategy. This included city wide consultation (including meetings) on the UDS and ‘growth spine’ concept, as part of the consultation on the 2006 long term plan.
- May 2007 - citywide consultation of the discussion document *Promoting quality of place – a targeted approach to infill housing in Wellington City*. Over 280 submissions were received from individuals and groups on the idea of targeting

⁴ *How and where will Wellington grow? Proposals for change and character protection*. WCC, May 2008.

intensification to specific areas with over eighty three percent of respondents supporting a targeted approach in some form.

- May 2008 – citywide consultation on the discussion document *How and where will Wellington grow – proposals for change and character protection*. This paper included maps showing 12 potential candidate areas for change, including Johnsonville and Kilbirnie. Over 1000 people attended public meetings and display sessions and 750 submissions were received on the discussion paper, reflecting a high level of interest in the community. While there was continued support for the concept of a targeted approach, this was less evident than the previous year's consultation which was not unexpected given the proposals specifically identify areas for intensification and change. Twenty four percent of respondents generally supported the idea of having areas of change.
- December 2008 to April 2009 – citywide consultation on draft plan changes for the residential areas and suburban centre zones of the District Plan. This included specific maps and controls proposed to guide development in the Johnsonville and Kilbirnie areas of change. Over 200 responses were received from individuals and groups with fifty seven percent of respondents who provided comments on areas of change being supportive of the concept.

Provision of infrastructure and services

Submissions on the capacity of infrastructure and services comprise a significant component of respondents opposing the concept of area of change. The majority focus on the Johnsonville area of change.

Before responding to individual topics, it is firstly necessary to re-iterate that one of the key drivers behind the 'growth spine' concept (and carried through to areas of change) is that of improving the overall utilisation of existing resources by directing growth to where the benefits are the greatest. To this effect, Johnsonville and Kilbirnie have been selected in the first instance because the services and infrastructure that are available for accommodating future growth compare more favourably compared to other areas and centres in the City.

It is also important to recognise that the District Plan is enabling in nature and that the scale and speed of future development within areas of change are to a large extent dependant on the market. For this reason, it is not necessary, pragmatic or efficient to upgrade infrastructure to the ultimate standard to meet future long term growth, prior to the areas of change being endorsed in the District Plan.

Common themes under this topic comprise:

Traffic congestion and parking - Johnsonville

Johnsonville, like most town centres in Wellington, has traffic congestion and parking capacity issues, particularly during peak periods – this is highlighted by many submitters and not at debate in this report. There are, however, several transport related factors that need to be considered in whether this is an appropriate area to enable further intensification, including:

- the close proximity of the centre and area of change to the motorway
- there are a range of alternative routes for access and egress to the centre and the area of change
- excellent walkable access from areas of change to alternative modes of transport, including bus and rail (recently been upgraded)
- compared to other centres, Johnsonville has good levels of parking, particularly for shoppers. This will be significantly improved through the proposed mall expansion

- improvements are proposed in Council's long term plan to key intersections to improve levels of service and reduce congestion on the main pressure points in the local network. The scope of improvements will be further expanded with the proposed mall expansion.

Schools and health

Planning for schools and health is not the responsibility of local government. Notwithstanding this, social infrastructure (including schools) was assessed as part of the background work leading up to the areas of change. There are 12 schools in the Johnsonville and Newlands area, with a new primary school proposed in Churton Park. This again compares well against other areas. Additionally, while some schools are nearing capacity, an assessment of land area for each shows that there is scope in most cases for schools to expand. In terms of capacity, it is also worth noting that while population in areas of change is likely to expand, the changes introduced by DPC 56 are likely to achieve slower population growth in outer residential areas.

Kilbirnie also has excellent levels of service for schooling.

Water, stormwater and sewage

While upgrades will be required as the population grows, the levels of service in the Johnsonville area for the three water infrastructure networks compare very favourably to other older parts of the city and Tawa.

Kilbirnie has an existing issue with stormwater and flooding due to the low lying nature of the area. Significant improvements are presently being made as part of the Indoor Community Sports Centre which will significantly improve the resilience of the area.

Libraries and other community facilities

Both Johnsonville and Kilbirnie are well provided for in terms of community facilities. There are also significant upgrades occurring or planned in both these areas under the Council's long term plans.

Consideration of character

A significant number of submitter opposing areas of change, do so on the basis that they are concerned the changes will result in a change of character. The Council in all previous consultations have openly and honestly articulated that areas of change will likely result in a change of character to what exists in these areas – hence the term areas of change. In considering submissions opposing on the basis of character, the following points should be noted:

- Character and heritage were key elements considered in determining the make up of areas of change. The Council undertook a series of studies on heritage and character and as a result boundaries were amended for both Johnsonville (Arthur Carmen Street) and Kilbirnie (area significantly reduced to retain existing character).
- The character of Johnsonville has changed significantly over recent decades, largely through backyard infill housing. Prior to notification in May 07 of DPC 56 (which introduced much improved controls to protect streetscape character and amenity), this form of densification has generally resulted in poor outcomes and poor quality development. It should be noted that the proposed provisions for areas of change constrain ad hoc 'backyard' infill housing and include improved urban design guidance for multi-unit developments. This is discussed in more detail in the following sections of this report.

Consideration of property values

Several submission raise concerns about the potential impacts of increasing density on property values. As part of the Section 32 work, the Council commissioned a report from

property and economic consultants DTZ to consider the possible changes in land values that might result from the introduction of areas of change.

The report firstly notes that property values depend on many different factors including the state of the market, demand for land in each location and the quality and scale of existing development.

In terms of direct impacts from the proposed areas of change proposals, the report makes the following key points:

- As the residential market improves, the focus on higher density and enhanced building scale will create strong demand for land within this area. As a result we expect land values to rise significantly with a consequent reduction in the value of existing improvements (pg 22).
- As development occurs controlling the scale and design will be important to minimise impact on adjoining properties (P22).
- Areas that already have a higher proportion of density (such as Trafalgar Street) are unlikely to see significant change in physical make up and value in the short to medium term (Pg 24).
- A key component of value is in the quality of surrounding improvements. In established areas often ad hoc (backyard) infill development can detract from the overall desirability of a particular location. Replacing ad hoc (backyard) infill housing with well thought out higher quality development over time should enhance the overall desirability and values within these locations (pg 25).

The report concludes that the limitations in terms of larger section sizes will defer any immediate impact with the likelihood of existing uses continuing in the short term. As adjoining sites are acquired and momentum builds, there is an expectation that land and property prices in these areas will increase reasonably significantly over time, particularly with improved design controls (pg 26).

Summary

While acknowledging the level of public concern expressed on submissions, particularly in relation to the proposed Johnsonville Area of Change, Officers consider that the approach of providing for medium density housing around key town centres is robust and appropriate having been thoroughly researched over a number of years. It accords with the requirements of the proposed Regional Policy Statements and will provide benefits both to local communities and the city as a whole through the efficient use of infrastructure and the provision of alternative household types. The delivery of residential intensification within an established urban neighbourhood is not without its challenges, but Officers consider that these can be appropriately managed with the right combination of planning and urban design controls.

Recommendation

- **Accept** those submission that support the Areas of Change approach of encouraging residential intensification within and surrounding existing town centres and public transport facilities.
- **Reject** those submission that oppose the Areas of Change approach of encouraging residential intensification within and surrounding existing town centres and public transport facilities.
- **Accept** those submissions that support the creation of an Area of Change around the Johnsonville and Kilbirnie town centres.
- **Reject** those submissions that oppose the creation of an Area of Change around the Johnsonville and Kilbirnie town centre.

4.4 Johnsonville Area of Change

4.4.1 Johnsonville Area of Change – planning controls

Specific issues raised in submissions include:

- Change the name of the 'Area of Change' zone to 'Medium Density Housing'. **(submission 55)**
- Oppose the proposed maximum building height of 10 metres in the Johnsonville Area of Change. The existing height of 8 metres should be retained. **(submission 82)**
- Lower heights within the Area of Change and ensure that sections are no smaller than the space for garden and parking of 2 vehicles. Increase allowance of open space. **(submission 207)**
- Oppose building heights of 18m in Johnsonville. **(submission 107)**
- Endorse the proposed maximum building height for the AC1 Area of Change. **(submission 71)**
- Area of Change provisions will cause loss of privacy. Maximum height limit is too high. **(submission 153)**
- Rule 5.6.2.1.1 should be amended to read 10 metres (not 12 metres). **(submission 172)**
- Endorse the proposed site coverage standards for the AC1 Area of Change. **(submission 71)**
- Endorse the proposed open space requirements that apply in the AC1 Area of Change. **(submission 71)**
- Council should clarify inconsistencies between the design guide and summary guide. **(submission 167)**
- Amend the design guide to ensure that it refers to maintaining reasonable standards of daylight and sunlight. **(submission 167)**
- Amend policies 4.2.1.2, 4.2.1.3 and 4.2.1.4 to clarify how Council will facilitate comprehensive redevelopment of housing in Areas of Change, and to clarify that within Areas of Change neighbours amenity needs to be balanced with the provision of residential intensification. **(submission 56)**
- If the Area of Change is retained Council should notify all applications to ensure that residential intensification does not detract from the character and amenity of the area. **(submission 340)**
- Submitter opposes the inclusion of a second household unit on a site within the AC1 and AC2 zones within the definition of 'multi-unit development'. Submitter requests that the definition be amended to allow two household units to be established on a site as a permitted activity. **(submission 71)**
- Allow individuals to subdivide their lot into parcels that will support family, single dwellings. **(submission 135)**
- Provide for the protection of areas of natural bush within and around the proposed area of change, particularly the area between Helston Road and the Motorway. **(submission 341)**
- Delete the discretionary matters of 'the mix of housing types on any site within an Area of Change' from rule 5.3.7. **(submission 55)**
- Amend policy 4.2.6.2 to clarify that new developments in Areas of Change will not be compatible with the existing low density development in the area. **(submission 55)**
- Amend the standard relating to vehicle crossing widths so that any crossing serving seven or more household units may be constructed up to 6 metres in width. **(submission 71)**

- Allow for maximum vehicle crossing widths of up to 6 metres in Areas of Change. **(submission 55)**
- Supports the proposed building recession plane requirements for the AC1 Area of Change. **(submission 71)**
- More protection must be given to properties owners on the boundary of the area of change. **(submission 167)**
- Require any proposed infill housing to be considered on a case by case basis to assess the effect it will have on existing surrounding dwellings, particularly sun, land space, car parking and congestion. **(submission 6)**
- Retain the provisions relating to the proposed Johnsonville 'Area of Change' as notified. **(submission 68)**
- Retain Objective 4.2.1 and its associated policies relating to the Johnsonville Area of Change. **(submission 361)**
- Allow for development of sites in Area of Change 2 that are able to accommodate a circle with a radius of 12 metres, or that have an area greater than 1000 square metres. **(submission 55)**
- Council needs to stipulate what the minimum and maximum requirements are regarding the size of each development including number of units per development, height of development, size of each apartment and what caveats it sees necessary to protect the nature of the suburb. **(submission 175)**
- Amend policy 4.2.1.3 to clarify how Council will discourage piecemeal development in Areas of Change, and how medium density housing can make a positive contribution to the local townscape. **(submission 55)**
- Amend policy 4.2.4.1 to clarify that new developments in Areas of Change do not have to be compatible with existing surrounding development patterns. **(submission 55)**
- Amend policy 4.2.1.4 to clarify what is a 'satisfactory mix' of household units within Areas of Change. **(submission 55)**
- Submitter supports the intensification of residential activity in areas close to public transport and town centres, provided this can be done in a way that delivers a high quality townscape and retains existing special character. **(submission 59)**
- Council should allow a mixture of housing types in the Johnsonville Area of Change. **(submission 124)**
- Do not allow medium/high density housing in Johnsonville town centre. **(submission 120)**
- Amend the rules to provide for neighbours involvement in the planning process, in situations where a new development would result in shading, or a loss of privacy or principal views. Provide a mechanism for dispute conciliation between the developer, Council and any affected neighbours. **(submission 366)**
- In section 4.1, the recognition of the diverse community uses within the Areas of Change, in terms of Churches, Halls and Schools; the addition of new policy under 4.2.1 'Areas of Change' that recognises community-related uses of Areas of Change; the addition of a new policy under 4.2.1 to ensure that residential intensification and comprehensive redevelopment does not have adverse effects on the variety of diverse community uses, especially Churches, halls and schools; the addition of a new matter when assessing applications for new infill or multi-unit developments within an Area of Change (Policy 4.2.3.2) to consider whether the proposal will impact upon existing community-related uses, including churches, halls and schools; the addition of a new policy under 4.2.7.3 to provide for a range of non-residential activities within Areas of Change; the addition to Rule 5.3.7 of restricted discretionary activity criteria relating to the construction of multi-unit developments to consider the mix of existing community-related uses on any site within an Area of Change.

(submissions 178 & 179)

- The submitter seeks the following changes: In section 4.1, the recognition of the diverse community uses within the Areas of Change; the addition of a new policy under 4.2.1 'Areas of Change' that recognises community-related uses of Areas of Change; the addition of a new policy under 4.2.1 to ensure that residential intensification and comprehensive redevelopment does not have adverse effects on the variety of diverse community uses; the addition of a new matter when assessing applications for new infill or multi-unit developments within an Area of Change to consider whether the proposal will impact on existing community related uses; the addition of a new policy under 4.2.7.3 to provide for a range of residential activities within Areas of Change. **(submission 338, 339)**

Discussion

The above submissions make reference to the policies, rules, and standards that would apply within the Areas of Change. In developing these provisions for Areas of Change Council was seeking to achieve the following outcomes:

- enable medium density residential development
- integration of the Areas of Change into the wider suburban setting
- reasonable protection of existing amenity for properties within and surrounding the Area of Change.
- high-quality development, both in terms of building design and street character
- good levels of amenity (i.e. sunlight, visual qualities, privacy, safety etc) for occupants of new residential developments
- variety in the form of housing (including variation in style, type and scale of buildings)
- variety in household type (1, 2, 3 and 3+ bedroom units)
- flexibility to allow development to cope with variations in topography, lot shape and size, and adjoining development patterns.

In developing controls for the Areas of Change Council began with the controls that have applied in the Inner Residential Area zone for the past 15 years. From experience Council knows that these controls have enabled the development of high quality medium density housing. The key changes to the standard Outer Residential controls are:

- two or more units on a site is considered to be a multi-unit development to be assessed against the Residential Design Guide.
- maximum height increased from 8 metres to 10 metres to allow for three storey buildings
- 50 % site coverage (up from 35%)
- maximum vehicle access width of 3.7 metres
- maximum width of accessory buildings in front yards of 4 metres
- more lenient building recession planes, with angles of inclination based on the orientation of the boundary to the sun.

Councils also put in place a number of specific Area of Change controls to help deliver the outcomes sought. These include:

- New policies to articulate the intent of the zone
 - 4.2.1.2 Encourage residential intensification and comprehensive redevelopment within identified Areas of Change

- 4.2.1.3 **Discourage piecemeal development in Areas of Change when this would inhibit comprehensive redevelopment of the site or surrounding area**
 - 4.2.1.4 **Promote the provision of a variety of household types and sizes as part of new development within Areas of Change**
 - 4.2.3.2 **Manage Areas of Change to ensure that new developments contribute to a high quality, intensive, diverse, and safe residential environment.**
- **Two subzones (AC1 and AC2) were created in recognition of the existing character and preferred development outcomes in different areas. The following text from policy 4.2.3.2 explains the differences between the two sub-areas.**

Sub-areas have been identified within the Areas of Change for the purpose of delivering different development intensities.

Area of Change 1 includes all of the land in the Kilbirnie Area of Change, and two smaller areas adjacent to the Johnsonville town centre. These areas offer very convenient access to the adjacent town centre, and contain a significant number of smaller infill and multi-units creating a relatively intensive urban character. The provisions that apply to these areas seek to facilitate the continuation of these existing patterns. No minimum lot dimensions is required in recognition of the character of existing development and the fragmented subdivision patterns which would inhibit site amalgamation. Similarly there is no request for ground level open space in recognition that these areas are already relatively intensely developed. In this area the emphasis will be on providing quality multi-use areas that can double as both vehicle manoeuvring spaces and useable outdoor space.

Area of Change 2 which includes the majority of the Johnsonville Area of Change provides for a slightly less intense, more suburban style of development. This area includes land that is slightly further removed from the town centre, with more existing open space. Requiring minimum lot dimensions will provide additional flexibility as to how buildings are massed on site and provides scope for different building forms and layouts. It will also help ensure that buildings can be oriented to face the street and will reduce the number of driveways required. Combined, these requirements will help to ensure that new developments provide scope for informal interaction between private units and the adjacent public spaces, and that the townscape is not overly dominated by vehicle crossings and manoeuvring spaces.

- **In order to encourage comprehensive redevelopment and variation in built form, Council also put in place a minimum site dimension control in AC2, and required resource consent for the construction of a second unit on a site. The following explanatory text from policies 4.2.1.2-4 describes the proposed approach.**

There is a risk that on-going piecemeal development (and subdivision) in Areas of Change will further fragment land ownership and make it more difficult to accumulate parcels of land for comprehensive redevelopment. Council will therefore generally discourage piecemeal, less intensive development and subdivision in Areas of Change.

Less intensive development however (such as back yard infill) may have a role within Areas of Change particularly when it can be demonstrated that it represents the most efficient use of the site (for example when a single lot is surrounded by properties that have already been redeveloped) and when it helps to add diversity to the housing stock in the area. However, further development will not be supported if it does not represent the most efficient use of the site, and when it would inhibit future comprehensive redevelopment of the site (and possibly adjoining sites) through the fragmentation of land ownership.

Similarly, Council will generally not support the comprehensive redevelopment of lots that do not meet the specified minimum lot dimension. Council is concerned that if redevelopment is undertaken based on the existing lot size and pattern, then it will result in the repetition of a single development type (most likely terrace housing orientated at 90 degrees to the street, with a drive way running down one side). While this style of development can work well, the Plan seeks to encourage a variety of development types within Areas of Change in order to achieve a diverse, interesting and stimulating built environment. Requiring a minimum lot dimension will help to achieve variety in the built form, both by creating a variety of lot

shapes, and also by providing more scope for different building layouts and better development outcomes.

The Plan also encourages new development to provide for a range of different housing types, in order to provide for the needs of different segments of the community. When assessing new developments Council will consider both the mix of housing types provided within the development along with the existing mix of housing within the Area of Change. When it can be demonstrated that there is already a satisfactory mix of housing type within the Area of Change, then it may be possible for individual developments to comprise a single household type.

- A non-notification statement has been provided to cover the assessment of new multi-unit developments (provided they comply with bulk and location standards). Council is aware that public notification is a significant deterrent to potential developers due to the inherent uncertainties in terms of costs and timeframes. Providing for consideration of consents as non-notified applications is one of the key tools available to Council to encourage redevelopment within the areas of change. However if the proposal does not meet a standard relating to site coverage, height or building recession planes then neighbours may be consulted depending on the effects created by the breach.
- Officers amended the standard Inner Residential Area building recession planes. The Inner Residential Area planes are more lenient along north facing boundaries which has the effect of encouraging buildings to be located towards the northern boundary of a site. To help provide room for courtyards and open space on the northern sides of new buildings, Council has dispensed with the most lenient of the Inner Residential recession plane in the Areas of Change.
- Increased front yard requirement of 3 metres to provide space for greening and planting at the front of the site to help 'soften' the impact of new development.
- Ground level open space of 20 sq.m per unit is required in AC2 to provide space for green planting, helping to integrate new development into the wider suburban setting.

The table below provides a comparison of the standards applying in the AC1, AC2 and Outer Residential Areas.

Rule	Area of Change 1	Area of Change 2	Outer Residential
Building height	10m	10m	8m
Site coverage	50%	50%	35%
Building recession planes	2.5 m + 1.5:1 or 2:1 depending on orientation of boundary	2.5 m + 1.5:1 or 2:1 depending on orientation of boundary	2.5m + 45 degrees
Ground level open space	None	20 sq.m per unit	50 sq.m per unit
Private open space	Provided as ground level open space or as a deck or balcony	Provided as ground level open space or as a deck or balcony	Provided as ground level open space
Minimum lot dimension	None	Accommodate a circle with radius of 12 metres	None
Maximum width of	3.7 metres	3.7 metres	6 metres

vehicle crossings			
Front yards	3 metres	3 metres	3 metres or 10 metres less half road width
Number of units permitted on a site 'as of right'	One	One	Two

Properties in areas of change that are adjacent to the outer residential area will be subject to the more stringent outer residential building recession planes along the shared boundary. This means that the buildings will need to be setback further off the boundary to protect access to sunlight and privacy for neighbouring properties in the outer residential zone.

A large number of submissions were received regarding the proposed planning controls for the Johnsonville Area of Change. Of these a number of the submissions received support the Area of Change controls as notified, or request amendments to specific controls.

Submissions 55 and 56 request a number of changes including further clarification of the policies regarding Areas of Change. These include:

- Amend policy 4.2.1.3 to clarify how Council will discourage piecemeal development in Areas of Change, and how medium density housing can make a positive contribution to the local townscape. Officers consider that the wording of the current policy is appropriate. The explanation notes that:

However, further development will not be supported if it does not represent the most efficient use of the site, and when it would inhibit future comprehensive redevelopment of the site (and possibly adjoining sites) through the fragmentation of land ownership.

- Amend policy 4.2.1.4 to clarify what is a 'satisfactory mix' of household units within Areas of Change. On further reflection Officers agree that while Council can 'encourage' the provision of a variety of household types, it is not practical to try and achieve that variety on a site by site basis (i.e. requiring a certain proportion of 1, 2 and 3+ bedroom units). While well intended, Officers accept that it would be almost impossible to implement in a practical manner, and that it is more efficient and ultimately more effective to let the market determine the mix of household types and sizes that is required to meet demand in each area. Accordingly Officers recommend retention of policy 4.2.1.4, but removal of the last two sentences of paragraph eight which explain how the policy will be implemented, and removal of the discretionary matter from rule 5.3.7.4 so that the mix of units is not specifically considered as part of the assessment of each consent application.
- Amend policy 4.2.4.1 to clarify that new developments in Areas of Change do not have to be compatible with existing surrounding development patterns. Officers do not consider that the policy needs to be amended. The policy refers to ensuring development is 'compatible' with surrounding patterns, it does not require that development replicate existing patterns. The explanation then clarifies that the standards that apply in Areas of Change are intended to facilitate medium density residential development. Officers consider that the current policy strikes an appropriate balance between facilitating development while also making appropriate provision for amenity values.

Submissions 178, 179, 338 and 339 seek greater recognition for existing community uses within the proposed Area of Change. **Further submission 10** supports **submission 178**. Officers note that the District Plan treats community uses (in residential areas) in a consistent manner across all residential zones, and do not consider that specific provision is required in Areas of Change. Officers anticipate that

development in Areas of Change will roll out over decades rather than years, providing time for existing community facilitate to respond and adapt to changes that may arise.

The remaining submissions raise concerns that the proposed Area of Change controls are not appropriate for the suburb of Johnsonville. The submissions consider that the changes will remove property rights for individual owners and lead to a reduction in property values. They are also concerned that the increased development will degrade the existing environment and community, particularly the 'family friendly' feel of the suburb. The submitter is concerned at the density of development proposed and lacks confidence in the Council's ability to guarantee that development is of high quality. There are particular concerns that the controls will result in development that:

- adversely impacts on the amenity of neighbouring properties through reduced sunlight, overbearing and loss of privacy
- cannot be serviced by existing infrastructure
- increases congestion and pressure for carparking
- compromises the existing character of the area.

Further submission 13 has lodged an overarching further submission that supports those submissions that oppose the Johnsonville Area of Change provisions, and opposes those submissions that support the Johnsonville Area of Change provisions.

Officers do not agree that the proposed Area of Change provisions significantly reduce the property rights of existing residents. Home owners can continue to make additions and alterations to their houses as a permitted activity, and would be able to take advantage of the more permissive rule regime applying in the Area of Change. The only significant change to the rules in this regarding is the minimum lot dimension for multi-unit developments and the requirement to seek resource consent to develop additional household units on the site.

Officers note that Council's approach to managing new development in Areas of Change is to use controls to define a permitted building envelope within which new buildings should be located. The detail of any proposal is then subject to an urban design assessment that looks at the design and layout of buildings and associated open space. This flexible approach is both a strength and weakness. The non-prescriptive nature of the controls enables creativity in design and allows new development to respond to variations in topography and character. However it also results in a lack of certainty as to the exact nature of development that may be undertaken on sites within the Area of Change.

Because of the sensitivity involved in integrating new medium density housing into an established urban neighbourhood, Officers consider that there is some merit in including in the District Plan controls that are more directive in nature, to send a clear message as to the design outcomes sought in the Areas of Change. In particular Officers suggest:

- inserting a new standard requiring that all buildings that are built along the street edge shall be oriented to face the street, with main entrances being located on the street elevation.
- requiring a mandatory physical separation of 5-6 metres between the fronts units on a site and units constructed to the rear. This requirement will provide visual separation between units and recognises that the historical pattern of development in the area is generally stand alone buildings located towards the front of the site. It will also provide a break between the buildings enhance access to sunlight and daylight both on site and on adjacent sites. The additional space provided to the rear will enable vehicle parking and manoeuvring areas to be located behind the front units on the site, reducing the possibility for parking and garaging to dominate the street edge, and allow for private open space at the rear of the properties.

While Officers are confident that the current Residential Design Guide covers off the key issues that are required to be considered when assessing the appropriateness of a multi-unit development, they consider that there is some merit in providing some additional design controls that are specific to the Area of Change. These would cover key issues of streetscape character, amenity and integration of medium density housing into established neighbourhoods, and could include acceptable design solutions and building configurations.

In response to **submission 71** Officers also suggest amending the controls to making allow six metre wide vehicle crossings for developments that involve 7 or more units. The Council's code of practice for land development requires wider driveways for larger residential developments, so it makes sense to provide for a double crossing at the street edge.

Submission 55 request that Council amend the minimum lot dimension standard (5.6.2.1.1) to also allow for multi-unit developments on either sites that meet the minimum dimension or sites that are larger than 1000 sq.m. Analysis of the Johnsonville Area of Change indicates that there are over 70 lots with an area of over 1000 sq.m. While many have already been subject to infill development, there are a substantial number that could be built on. Officers note that most are long, thin sections that could really only be developed with units running the length of the site at right angle to the road. The intent of requiring a minimum site dimension was specifically to provide space on site to explore alternate building layouts, and Officers consider that the requested amendment would have the effect of undermining the existing control.

Recommendation

- **Accept in part** those submission that sought amendments to the policies, rules and standards that apply in the Johnsonville Area of Change insofar as the proposed amendments provide for their concerns.
- **Reject** either in whole or in part those submission that have not been provided for in the proposed amendments.

4.4.2 Johnsonville Area of Change - boundary of area

Submissions

Specific issues raised in submissions include:

- Submitter supports the inclusion of 1& 3 Bould Street within the AC1 Area of Change area. (**submission 71**)
- Expand the Johnsonville Area of Change to include the properties at 35-39 Sheridan Terrace and 52 Chesterton Road within the AC2 zone. (**submission 72**)
- Properties on the south side of Burgess Road should be added to the Area of Change (map attached to submission). (**submission 172**)
- That Johnsonville and Burgess Road be excluded from the designated Area of Change (**submission 136**)
- Review the designation of the area around Burgess Rd/Macaulay St as part of the Johnsonville Area of Change. A traffic plan needs to be developed for Johnsonville before any decisions increasing the density of housing are made. (**submission 309**)
- Exclude east Johnsonville, especially Lot 14, DP 375129 (15 Creswell Place) from the Johnsonville Area of Change. (**submission 173**)
- Exclude our area (Middleton Road) from District Plan Change 72 (**submission 205**)
- Do not impose Area of Change on Johnsonville and don't include Stephen Street in the Area of Change. (**submission 170**)

- Johnsonville Area of Change should be reduced to include only those properties within 5 minutes walk of the mall (see attached map). (**submission 172**)

Discussion

The boundaries for the Johnsonville Area of Change were carefully considered. Initially the boundaries were defined based on the proximity to the Town Centre, but further refinements were made to take into account other considerations such as character, topography, pedestrian accessibility, roading capacity and the potential for properties to be redeveloped. Care was also taken to try and ensure that there was a buffer between the Area of Change and the surrounding Outer Residentially zoned properties, either in the form of a road, access way, area of public open space or a significant change in topography.

In considering the submissions below, Officers note that **further submission 13** has lodged an overarching further submission that supports those submissions that oppose the Johnsonville Area of Change, and opposes those submissions that support the Johnsonville Area of Change.

Submission 71 supports the inclusion of 1& 3 Bould Street within the AC1 Area of Change area. This support should be accepted.

Submission 72 requests expansion of the Johnsonville Area of Change to include the properties at 35-39 Sheridan Terrace and 52 Chesterton Road within the AC2 zone. Officers do not support this submission on the basis that it would create an island of Area of Change land extending into an Outer Residential Area. The land is also on the very outer edge of the Area of Change and it is questionable as to whether it would provide the benefits sought in terms of ease of access to services and public transport nodes.

Submission 172 requests that properties on the south side of Burgess Road should be added to the Area of Change. **Submissions 136 and 309** question the appropriateness of including properties in the Burgess Road/Macauley Street area within the Area of Change. Officers note that while this area has very good proximity to the Johnsonville town centre, it was not included in the Area of Change in the basis that there was limited potential for further development (due to the unusual subdivision patterns, and the age and condition of the existing building stock) and because it would result in a shared boundary between properties zoned Area of Change and Outer Residential (which Officers tried to avoid when finalising the zone boundary). Officers do not support this submission on the basis that these constraints remain.

Submissions 173 request that east Johnsonville, especially Lot 14, DP 375129 (15 Creswell Place) be removed from the Johnsonville Area of Change. Officers do not support this submission. While acknowledging the pedestrian access to east Johnsonville is not as good as the rest of the Area of Change, due to the presence of the motorway and a significant climb, Officers consider that the sections here provide reasonable potential for intensification. 15 Creswell Place in particular provides over 4 hectares of undeveloped land within reasonably close proximity to the Johnsonville town centre.

Submission 205 requests that the five properties at 2-10 Middleton Road be excluded from the Area of Change. Officers note that the properties in question, located between Middleton Road and the motorway, meet many of the criteria for inclusion in the proposed Area of Change, including close proximity to the town centre, access to sun and outlook, and reasonable lot size. However the five properties were not included in the original draft of the Area of Change due to the poor quality of pedestrian link across Helston Road and into Johnsonville town centre.

During the consultation on the draft Area of Change, Council received feedback from four property owners in this area. Three of the owners requested the inclusion of the properties in the Johnsonville area of change, while one was opposed to any such inclusion.

While DPC 72 was being developed Council announced plans to develop a pedestrian crossing across Helston Road (at the eastern end of the motorway over-bridge) which will significantly improve the situation for pedestrians in this area.

Due to the improved pedestrian connections between Middleton Road and the Johnsonville town centre, and given the support of the majority of landowners in the area, Council decided to include these five properties within the Area of Change as part of DPC 72. For the reasons given above Officers recommend that these properties remain in the Area of Change.

Submission 172 requests that the Area of Change boundary be amended to only include properties within a five minute walk of the town centre. Officers do not support this submission on the grounds that some areas within five minutes walk of the town centre are not appropriate for inclusion within the Area of Change while there are other areas in the five-ten minute walking range that provide significant scope for intensification.

Recommendation

- **Accept** submission 71 insofar as it supports the boundary of the proposed Johnsonville Area of Change
- **Reject** submissions 72, 136, 170, 172, 173, 205 and 309 insofar as they request amendments to the boundary of the proposed Johnsonville Area of Change

4.5 Kilbirnie Area of Change

4.5.1 Kilbirnie Area of Change – planning controls

Submissions

Specific issues raised in submissions include:

- Support the Kilbirnie Area of Change (**submission 13, 25, 70, 348**)
- Retain the provisions relating to the proposed Kilbirnie 'Area of Change' as notified. (**submission 68**)
- Retain Objective 4.2.1 and its associated policies relating to the Kilbirnie Area of Change. (**submission 361**)
- Council should allow a mixture of housing types in the Kilbirnie Area of Change. (**submission 124**)
- Amend policy for the areas of change to recognise that work on existing multi-unit developments may be constrained by the terms of cross-lease and unit-title agreements. (**submission 4**)
- Oppose the reduction in the width of accessory buildings in the front yard from 6 metres to 4 metres. Allow properties with existing garages in the front yards to retain a maximum width of 6 metres. (**submission 67**)
- Oppose the requirement to apply for resource consent for all additional household units. Retain the existing control allowing a second unit up to 4.5 metres in height to be constructed as a permitted activity. (**submission 67**)
- Oppose the reduction in maximum width for vehicle crossings to 3.7 metres. Allow properties with an existing 6 metre wide crossing to retain their crossing. (**submission 67**)
- Oppose the requirement for a 3 metre front yard. Retain the existing provisions regarding front yards. (**submission 67**)

Discussion

Submissions 13, 25, 60, 70, 348, and 361 support the provisions applying to the Kilbirnie Area of Change. This support should be accepted.

Submission 124 requests that Council allow a mixture of housing types.

Submission 67 opposes the requirement to seek consent for a second household unit on site.

Officers note that the standards that apply in this area do not pre-determine the type of housing that will be built. Rather, Council has focused on ensuring that new development is of high quality, which will be determined principally through the urban design assessment of new units against the Residential Design Guide. For this reason it is considered important that consent is required for all additional household units.

Submission 67 opposes the proposed standards for front yards, vehicle crossing widths and accessory buildings in front yards. The submission is particularly concerned that the new provisions will penalise developments on sites with existing non-compliance(s). Officers consider that there is a sound rationale for the standards and that they should be retained (see section 4.4.1 above for further details). Officers also note that any consent for new development would take into account the presence of existing buildings and structures when assessing the overall appropriateness of the development.

Recommendation

- **Accept** submissions 13, 25, 60, 70, 348, and 361 insofar as they support the planning controls proposed for the Kilbirnie Area of Change
- **Accept** submission 124 insofar as it seeks a variety of housing types
- **Reject** submission 67 insofar as it seeks changes to the rules and standards applying in the Kilbirnie Area of Change

4.5.2 Kilbirnie Area of Change - boundary of area

Submissions

Specific issues raised in submissions include:

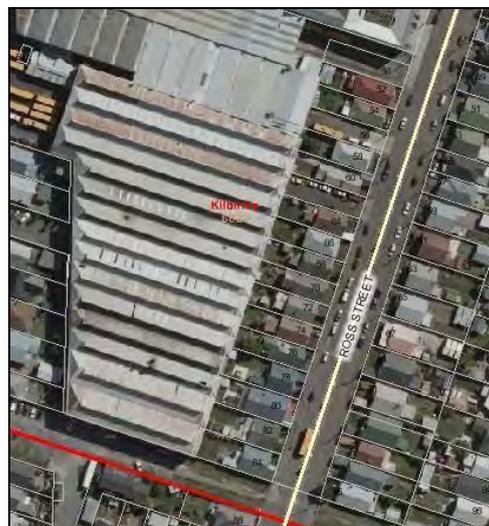
- Include the properties between 52 and 84 Ross Street within the Kilbirnie Area of Change shown on planning map 6. (**submission 44**)
- Exclude Kilbirnie Crescent from the Kilbirnie Area of Change. (**submission 81**)

Discussion

Submission 44 requests that the properties from 52-84 Ross Street be included within the Kilbirnie Area of Change. **Further submission 6** opposes this submission.

This area was originally included in the Area of Change that was consulted on as part of the draft plan change (December 2008-March 2009). Council received feedback that the properties should be removed on the basis that they had a consistent built character and limited potential for intensification.

With further consideration Officers agreed. While the properties are part of a larger block that is zoned Area of Change, they are separated from the remainder of the Area of Change by the bulk of the bus barn buildings. The properties have a character more aligned with the houses to the east of across Ross Street. The area comprises of 15 modest but solid houses on small sites (between 300-400 sq.m). Compared to the properties included in the Area



52-84 Ross Street, Kilbirnie

of Change, this area is also more remote from the Town Centre in terms of walking distance.

If the area was reinstated, then possible some properties would be redeveloped by taking advantage of more permissive recession planes and site coverage controls, but comprehensive redevelopment is considered unlikely. The more likely result would be that the current uniform character would be eroded, but with little benefit in terms of a significant increase in overall intensification. Officers therefore recommend that the properties remain outside the Area of Change.

Submission 81 seeks that Council exclude Kilbirnie Crescent from the Kilbirnie Area of Change. Officers do not support this request on the grounds that Kilbirnie Crescent is situated in close proximity to the town centre, a range of key public services, and public transport routes.

Recommendation

- **Reject** submission 44 insofar that it requests inclusion of 52-84 Ross Street within the Kilbirnie Area of Change.
- **Reject** submission 81 insofar that it requests that Kilbirnie Crescent be removed from the Kilbirnie Area of Change.

4.6 Residential Character

Submissions

Specific issues raised in submissions include:

- Retain objectives 4.2.2, 4.2.3 and 4.2.4 and their associated policies. (**submission 361**)
- Retain objective 4.2.2 and policy 4.2.2.1 relating to residential character and sense of place as notified. (**submission 30**)
- Retain objective 4.2.3 and policy 4.2.3.1 relating to urban form as notified. (**submission 30**)
- Retain the 'CURA' rules referred to in Appendix 9A of the operative District Plan. (**submission 60**)
- In the identified area of Kilbirnie (see attached map) lower the maximum building height from 8 metres to 5.5 metres to better reflect existing buildings, and increase site coverage from 35% to 40% to compensate for the reduction in height. (**submission 48**)
- Create a new special character area to cover parts of Kilbirnie/Lyall Bay (shown on attached map) and either:
 - a) apply area specific building controls of 5.5 metres permitted height and 40% permitted site coverage; or
 - b) restrict the demolition of buildings constructed before a certain date, say 1930. (**submission 70**)

Discussion

Submissions 30 and 361 request the retention of objectives 4.2.2, 4.2.3 and 4.2.4, and associated policies as notified. These submissions should be accepted, while noting that some of these policies have been amended as a result of other submission.

Submission 60 requests that the 'CURA' rules referred to in Appendix 9A of the operative District Plan for Aro Valley be retained. Officers note that the rules and standards applying to Aro Valley have been carried over from the operative plan, but Appendix 9A has been removed in favour of showing the area of Aro Valley that is subject

to special planning controls directly on the planning maps (shown on Planning Maps 11 & 12 as IR3)

Submissions 48 and 70 request that the height and site coverage be amended for part of Kilbirnie, to better reflect the character and bulk of buildings located in this area. **Further submission 4** supports this submission subject to careful consideration of the merit and community support for such a proposal.

The identified area has a very consistent built form comprising predominantly single storey bungalows. Officers agree that the generic Outer Residential height of 8 metres, is significantly taller than the existing building stock and GIS analysis of the existing building stock indicates site coverage of around 40 percent. Officers can see some merit in the submitters request to lower the building heights with a corresponding increase in site coverage, to encourage development that complements existing character. While the requested changes are within the scope of DPC 72 and Council is legally entitled to grant the relief sought, Officers have concerns regarding the fairness of making significant changes to the bulk and location controls applying to a large number of properties, when these changes were not signalled as part of the original plan change. To ensure property owners have the opportunity to comment on these proposals, Officers consider that this matter would be better dealt with as part of the up coming comprehensive review of the District Plan.

Recommendation

- **Accept** submissions 30 and 361 insofar as they request the retention of objective 4.2.2, 4.2.3 and 4.2.4, and associated policies.
- **Accept** submissions 60 insofar as the specific bulk and location rules for Aro Valley have been included in DPC 72.
- **Reject** submissions 48 and 70 insofar as they requests area specific bulk and location controls for Kilbirnie.

4.7 Pre-1930 demolition controls

4.7.1 Areas subject to demolition controls

Submissions

Specific issues raised in submissions include:

- Retain the proposed new areas subject to the rule in Patanga Cres, The Terrace and around Bolton Street as publicly notified. Approve the two collections of buildings on Ohiro Road and Maarama Crescent where the rear elevations are treated as primary elevations as notified. (**submission 30**)
- Endorse the proposed pre-1930 demolition area on The Terrace. (**submission 2**)
- Do not extend the pre-1930 demolition area for The Terrace any further south of 276 The Terrace. (**submission 78**)
- Remove the property at 27 Portland Cres from the pre-1930 demolition control area shown in Appendix 1. (**submission 45**)
- Extend the proposed pre-1930 demolition area covering Easdale and Kinross Streets to include the properties at 126 Bolton Street, 34 Wesley Road and 38 Wesley Road. (**submission 49**)
- Remove Easdale and Kinross Streets (including 82-102 Bolton Street) from the area covered by the pre-1930 demolition rule. (**submission 11**)
- Include Landcross Street, Holloway Road, Norway, Thule and Entrance Streets in the area covered by the pre-1930 demolition rule, or include these areas within a heritage area(s). (**submission 60**)

- Supports the provisions and requests that the rules be extended to cover Mt Victoria south, Brooklyn north, Kingston, Highbury, Kelburn and Seatoun. (**submission 13**)
- Amend the boundary of the Appendix 1 map to follow the Inner Residential zone boundary as it applies to the properties at 296-304 Tinakori Road. (**submission 21**)
- Exclude the houses sited on the lower Terrace Gardens from the pre-1930 demolition rule area to facilitate the development of the area as a public open space. (**submission 47**)

Discussion

DPC 72 proposes that three new areas be made subject to the pre-1930 demolition control. These are:

- A group of houses accessed from a right-of-way off Patanga Crescent (43-47 Patanga) that are contiguous with existing older parts of Thorndon to the north (the alternative option of a heritage area covering the wider suburb in discussed below) .
- Buildings fronting The Terrace at its mid-northern sections, and areas to the east. This is from 192 to 276 The Terrace on the west, and 193 The Terrace to McDonald Crescent on the east, including McDonald Crescent, Dixon and Percival Streets and Allenby Terrace. These adjoin and have similar profile and character.
- Easdale and Kinross Streets, including 82 to 102 Bolton Street. This area is somewhat unique in that it gains its character from a highly intact concentration of buildings built between 1920 and 1930. The houses which were designed in the 'Art and Crafts' style are also unique in that they feature tile roofs with brick and timber construction.

These areas were selected following urban design analysis of the inner city suburbs (undertaken by Graeme McIndoe) on the grounds that they are highly visible, contain sufficient concentrations of prominent buildings built prior to 1930, and contribute to the 'sense of place' of the wider city.

Submission 2 and 30 endorse these areas as notified, and this support should be accepted.

Submission 49 requests that the Easdale/Kinross Street area be extended to include the properties at 126 Bolton Street and 34 & 38 Wesley Road. This submission is supported by **further submission 4** if the buildings on these sites were built prior to 1930. **Submission 11** requests that the Easdale/Kinross Street area be deleted. Officers do not support deletion of the Easdale/Kinross St area. This area remains highly intact and contains a significant collection of Arts and Craft architecture that is in the inner city suburbs. Graeme McIndoe's report did not include properties along Wesley Rd on the basis that they were significantly different in terms of architectural character and did not match the Arts and Craft style that defines the wider area.

Submission 45 requests that 27 Portland Ave, Thorndon be removed from the pre-1930 demolition area on the basis that the property does not contain any buildings and has a character more closely aligned with the adjacent Central Area buildings. **Further submission 4** requests that the site be retained in the Appendix 1 area if it contains a building built pre-1930. Officers agree that the site occupies a unique location wedged between the Central Area sites, and consider that inclusion in the Appendix 1 area is not justified as the site is empty. Officers note that any development of the site in the future will require consideration of context and character against the content of the Residential Design Guide.

Submission 21 requests that the boundary of the pre-1930 demolition area be amended to reflect requested changes to the Inner Residential zone boundary as it crosses 296-304

Tinakori Road. If the Hearing Committee agree that the Inner Residential zone boundary should be amended in this location (see discussion in section 4.25 below), then it follows that the Appendix 1 maps should be amended to match the zone boundary.

Submission 78 seeks to ensure that the boundary of The Terrace pre-1930 area not extended any further south of 276 The Terrace. **Further submission 4** opposes this submission. Officers consider that this submission should be accepted on the basis that it is not proposed to alter the boundary of The Terrace area.

Submission 47 seeks that the boundary of The Terrace area be modified to exclude the two houses located in the lower Terrace Gardens, to facilitate the future development of the area as a public open space. **Further submission 4** opposes this submission. The lower Terrace Gardens is a unique area on the very edge of the CBD, it comprises a steep slope running between The Terrace and Willis Street and contains two houses located within an impressive stand of large trees. The area is remarkably quiet and peaceful given its location on the very edge of the CBD. At present the space is used primarily as a pedestrian route between Victoria University and the city. The sites south-eastern orientation and large trees means that it does not receive a lot of sun and this may limit its value as public open space in the future. Officers also note that the two existing houses provide valuable informal surveillance of an area that would otherwise feel quite isolated and unsafe, and provide a valuable public service in that regard. On balance Officers consider that the two houses should remain in the Appendix 1 Area.

Submission 60 requests that the pre-1930 demolition area be expanded to include Landcross Street, Holloway Road, Norway, Thule and Entrance Streets to the west of Aro Valley.

Submission 13 supports the pre-1930 provisions and requests that the rules be extended to cover Mt Victoria south, Brooklyn north, Kingston, Highbury, Kelburn and Seatoun.

Officers note that the pre-1930 demolition controls have been applied to the suburbs of Thorndon, Mount Victoria, Mt Cook, Newtown, Berhampore, Aro Valley, Bolton St and The Terrace because their high concentrations of Victorian and Edwardian buildings, their unique character and also because they provide the back drop to the central city. Their high visibility and original building stock make a significant contribution to Wellington City's unique character and are important in helping to define Wellington's sense of place.

While the areas suggested by **submissions 13 and 60** undoubtedly contain significant numbers of buildings built prior to 1930, it does not automatically follow that application of the demolition rule is needed or justified.

Officers do not consider it appropriate to extend into the additional areas of Mt Victoria south, Brooklyn north, Kingston, Highbury, Kelburn and Seatoun without first undertaking detailed surveys. To date consideration has only been given to Inner Residential Areas as their central location and high visibility contribute to the City's wider sense of place. Expanding the pre-1930 controls to apply to a wider would require a conscious decision from Council that demolition controls should be applied more widely and new criteria would need to be developed to determine which areas should qualify for inclusion.

The question of whether Landcross Street should be included in the Aro Valley demolition control area was traversed at length in 2008-9 during the hearing and mediation of Plan Change 50. At that time the committee decided that Landcross Street was relatively removed from Aro Valley proper, and should not be subject to the demolition rule. Officers consider that the situation has not changed materially since that decision was taken and the exclusion of Landcross Street should be maintained.

The other streets suggested by submission 60 were researched by Council as part of work undertaken during mediation on Plan Change 50. The advice received during this mediation suggested that the large areas of greenery and overall sense of a reduced

building density contributed to a more varied and less consistent streetscape character than that of Aro Valley proper. In addition, the areas are physically separated from Aro Valley and not highly visible to the City as a whole. For these reasons Officers do not support the application of the pre-1930's demolition rule to these areas.

Recommendation

- **Accept** submission 2 & 30 insofar as they support the proposed areas.
- **Reject** submission 11 insofar as it requests deletion of the Easdale/Kinross Area
- **Reject** submission 49 insofar as it requests extension of Easdale/Kinross Area.
- **Accept** submission 45 insofar as it request removal of 27 Portland Cres.
- **Accept** submission 21 insofar as it requests realignment of the boundary of the Appendix 1 area along Tinakori Road, Thorndon.
- **Accept** submission 78 insofar as it requests retention of current boundary of The Terraces area.
- **Reject** submission 47 insofar as it requests the removal of Terrace Gardens from the Appendix 1 area.
- **Reject** submission 13 & 16 insofar as they request further extension of pre-1930's rule.

4.7.2 Pre-1930 demolition – policies, rules and definitions

Submissions

Specific issues raised in submissions include:

- Retain the pre-1930 demolition rule as notified. (**submission 30**)
- Support the additional protection provided to architectural features on the primary elevation of pre-1930 buildings. (**submission 27**)
- Adopt the proposed rules relating to the demolition of buildings built prior to 1930. (**submission 8**)
- Supports improved protection for pre-1930 heritage buildings. (**submission 47**)
- Adopt the proposed provisions relating to pre-1930 demolition controls. (**submission 1**)
- Good buildings built pre-1930 should not be demolished, but remain as part of the inner city fabric of Wellington. (**submission 6**)
- Undertake training for Council Officers in what townscape actually means and provide further information on how pre-1930 buildings can be maintained and developed in a manner that is in keeping with heritage and character of the neighbourhood. (**submission 25**)
- Amend the information requirements in section 3.2.4.2.1 to include medium to long distance townscape views, and to require applications to show the 'eight' buildings described in the street elevation. (**submission 27**)
- The definition of demolition of a pre-1930 building should include add's and alt's that render the existing building indiscernible. (**submission 38**)
- Amend the pre-1930 demolition assessment criteria to read 'does the building contribute positively, or would have the potential to contribute positively to the character of the area'. (**submission 38**)
- Place particular emphasis on the retention of the townscape of Wellington's inner city hillside suburbs. (**submission 362**)
- Amend the definition of 'Addition and Alteration' to refer to rule 5.3.6. (**submission 27**)

- Remove the pre-1930 demolition assessment criteria regarding the potential financial effects on the owner of retaining/demolishing a building. **(submission 38)**
- Require an independent report from a structural engineer when considering the condition of an existing pre-1930 building. **(submission 27)**
- Provide a definition of 'major structural flaw'. Any assessments of structural integrity should be undertaken by an independent expert. **(submission 38)**
- Support the removal of the existing non-notification clause from rule 5.3.6 but consider that all applications should require mandatory notification. **(submission 27)**
- Support the amended wording around the consideration of existing pre-1930 buildings. Suggests amendments to the policy to clarify that the condition of the building will only be considered once the townscape contribution of the building has been established. **(submission 27)**
- Require the mandatory public notification of every application to demolish a pre-1930 building. **(submission 38)**
- Townscape as well as streetscape should be considered when assessing the effects of the demolition of a pre-1930 building. **(submission 38)**
- Amend the pre-1930 demolition assessment criteria 'is the building an essential element in the townscape', by removing the word essential. **(submission 38)**
- Suggest that Shannon Street, McFarlane Street, Vogel Street, Doctor's Common and McIntyre Street be considered for identification as areas where the rear elevation should also be considered to be a primary elevation. **(submission 27)**
- When consent is granted to demolish a building, the replacement building should replicate the street façade of the previous house, and be built of the same materials. **(submission 362)**
- Strengthen the demolition rules to give pre-eminence to the retention of all buildings built prior to 1930 in the Inner Residential Area. **(submission 37)**
- The objectives and policies should give a stronger emphasis to the retention of existing character. **(submission 362)**
- All consent applications to demolish a pre-1930 house should be publicly notified. **(submission 362)**
- Retain policy 4.2.2.1 which seeks to maintain the character of Wellington's inner city suburbs. **(submission 69)**
- Amend policy 4.2.2.1 to recognise that some pre-1930 properties in Mt Victoria and Mt Cook may be affected by future state highway roading works. **(submission 57)**

Discussion

The policies and rules relating to the demolition of pre-1930 buildings were substantially revised during the preparation of DPC 72. This was required because the rules in the plan had evolved over time as they were rolled out over new areas. As a result, the provisions that apply to Newtown, Berhampore and Mt Cook are not the same as the original provisions that apply to Thorndon and Mt Victoria. DPC 72 updated the rules so that there is one consistent set of rules across all areas. This entailed:

- Amending the definition of demolition so that it includes not only the demolition of a building's 'primary form', but also the removal or demolition of architectural features on a building's 'primary elevation'. The primary elevation is defined and is usually the elevation facing the street.

- Identification of two additional collections of buildings where the primary elevation includes the rear elevation of the building. These areas are 27-39 Ohiro Road and 6-18 Maarama Crescent in Aro Valley.
- Removal of the non-notification statement that currently applies in Thorndon and Mt Victoria. The current statement requires Council to process applications as non-notified if the applicant submits written evidence of consultation with the local residents association. However the clause does not refer to the outcome of the consultation, and as a result an applicant can undertake consultation with the residents association and irrespective of the outcome will become exempt from public notification. Officers recommend that this clause should be deleted and that Council should rely on the provisions of the RMA to decide when the effects of a demolition proposal are sufficient to warrant public notification.

DPC 72 also amended the policies relating to pre-1930 buildings to clarify what constitutes demolition and how applications to demolish will be assessed.

Submissions 1, 6, 8, 27, 30, 47 and 69 support the revised pre-1930 demolition controls and this support should be accepted.

Submission 27 requests that the information requirements section in chapter 3 be amended to refer to medium and long range views of townscape, and require applications to show the 'eight' buildings described in the street elevation. Officers agree that these amendments would be consistent with the regulatory approach put forward in DPC72 and should be adopted.

Submission 38 requests that the definition of demolition of a pre-1930 building be amended to include addition's and alteration's that render the existing building indiscernible. Officers consider that the second bullet point of the existing definition adequately provides for this scenario.

Submission 27 requests that the definition of 'Addition and Alteration' be amended to refer to rule 5.3.6. For the sake of accuracy Officers agree that this change should be made.

A number of submissions request changes to the assessment matters contained within policy 4.2.2.1. Submission 38 suggests that the policy be amended to read:

'does the building contribute positively, or would have the potential to contribute positively to the character of the area'.

While Officers can appreciate the submitters concerns that the current wording may encourage home owners to allow their property to become rundown to reduce its contribution to townscape. However it is considered that the proposed wording would introduce an unacceptable level of uncertainty to any consent assessment, on the basis that any building has the potential to contribute positively to surrounding character if sufficient work is undertaken on it.

Submission 38 also requests that Council remove the pre-1930 demolition assessment criteria regarding the potential financial effects on the owner of retaining/demolishing a building. Officers note that this criteria has been removed and has been replaced by the following

- *Whether requiring retention of the building would render it incapable of reasonable use*

Submission 38 requests that Council amend the pre-1930 demolition assessment criteria 'is the building an essential element in the townscape', by removing the word essential. Officers note that the term 'essential' is not included in any of the assessment matters included in policy 4.2.2.1.

Submissions 27 and 38 request that Council require an independent report from a structural engineer when considering the condition of an existing pre-1930 building. Officers consider that the current policy provides scope for this and that this matter is

best determined based on the specifics of the application, rather than through a mandatory requirement.

Submission 38 also requests that Council develop a definition of 'major structural flaw'. Officers are not convinced that defining 'major structural flaw' would improve the application of the pre-1930 demolition controls. The policy currently refers to the 'structural integrity of the building' and Officers consider that consideration of the overall integrity of the building is likely to be more helpful in determining whether to require retention of a building, than using a criteria of whether the buildings is subject to a 'major structural flaw'.

Submission 27 supports the amended wording around the consideration of existing pre-1930 buildings, and suggests amendments to the policy to clarify that the condition of the building will only be considered once the townscape contribution of the building has been established. Officers consider that the current wording of policy 4.2.2.1 already achieves this in that it clearly states that the first assessment to be undertaken is the degree to which a building contributes to the townscape character.

Submission 38 requests that townscape as well as streetscape should be considered when assessing the effects of the demolition of a pre-1930 building. Officers note that this change has already been incorporated into DPC 72.

Submission 25 suggests that Council Officers undertake further training in what 'townscape' really means. Officers consider that the urban design and heritage staff at Council are suitable qualified to undertake these assessments.

Submission 362 requests that the plan be amended to require replacement buildings to replicate the street façade of the previous house, and be built of the same materials. The submitter considers that this would help to remove the motivation for owners to demolish and ensure that new buildings were sympathetic to their surroundings. Officers do not support this suggestion on the grounds that rather than creating a disincentive to applicants it could actually have the opposite result with the delivery of a replica being used by applicants as justification for the demolition of the existing building. Officers also consider that requiring replication would not necessarily deliver better townscape outcomes and that contemporary architecture can be successfully integrated into established areas if handled with care.

Submission 27 suggests that Shannon Street, McFarlane Street, Vogel Street, Doctor's Common and McIntyre Street be considered for identification as areas where the rear elevation should also be considered to be a primary elevation. When researching DPC 72, Officers undertook a streetscape survey of Mt Victoria to see if any groups of buildings required identification of rear elevations. In undertaking the survey Officers focused on elevations that were clearly visible from short to medium distances. This was because the primary elevations are used in conjunction with rules to protect architectural features, and these features make less of a contribution to townscape character in long distance views. Given Mt Victoria's prominence and terrain Officers were somewhat surprised to find that there were not situations where groups of buildings with significant rear elevations were clearly visible from nearby public spaces. While Officers did not identify any rear primary elevations in Mt Victoria, the definition of primary elevation has been amended to include 'elevations facing a formed public accessway', as these are relatively common in Mt Victoria.

Submission 27 supports the removal of the existing non-notification clause from rule 5.3.6 but considers that all applications should require mandatory notification. **Submissions 38 and 362** also request mandatory notification of all applications to demolish. Officers do not support mandatory notification in this instance. A number of years ago Council received an application to demolish a pre-1930 house in Mt Cook. The building was not visible from the street or any other public space, and it would have been unreasonable to require mandatory public notification when the building made no contribution to the local townscape. Instead Officers consider that it is more appropriate to rely on the provisions of the RMA to determine whether a proposal would generate

effects that are more than minor and should therefore be publicly notified.

Submission 362 requests that Council place a specific emphasis on the retention of the townscape of Wellington's inner city suburbs, and that the objectives and policies be given a stronger emphasis to the retention of existing character. **Submission 37** requests that Council strengthen the demolition rules to give pre-eminence to the retention of all buildings built prior to 1930 in the Inner Residential Area. Officers consider that the revised policy 4.2.2.1 is a significant improvement on its predecessor, and appears to meet the submitters concerns. The new policy gives clear guidance as to the intent of the pre-1930 demolition controls and provides a balanced and robust assessment framework of the consideration demolition proposals.

Submission 57 requests that policy 4.2.2.1 be amended to recognise that some pre-1930 properties in Mt Victoria and Mt Cook may be affected by future state highway roading works. **Further submission 4** opposes this submission. Officers do not consider it is appropriate to include this statement in Policy 4.2.2.1. Inclusion of the statement may be interpreted as acceptance that pre-1930 dwellings can be demolished as part of state highway roading works. At this time the scale and location of any works is not known, so the effects of the works are better assessed by way of a designation, outline plan or resource consent, rather than be pre-judged' by a statement in policy 4.2.2.1. Officers also note that a number of other policies in chapter four refer to the strategic importance of the State Highway network, allow an appropriate balancing of the benefits and costs of any future development proposal.

Recommendation

- **Accept** submissions 16, 8, 27, 30, 47 & 69 insofar as they support the provisions as notified.
- **Accept** submission 27 insofar as it requests changes to the information requirements for townscape assessment.
- **Accept** submission 38 insofar as it requests the definition of demolition include substantial additions and alterations.
- **Accept** submission 27 insofar as it requests amendments to the definition of additions and alterations.
- **Reject** submission 38 insofar as it requests the inclusion of the statement "potential to contribute positively" to policy 4.2.2.1.
- **Reject** submission 27 and 38 insofar as it requests a requirement for mandatory independent structural assessments.
- **Reject** submission 38 insofar as it requests the inclusion of a definition of major structural flaw.
- **Accept** submission 27 insofar as it requests townscape assessments be completed first, before consideration of building condition.
- **Reject** submission 38 insofar as it requests Council consider townscape and streetscape.
- **Reject** submission 23 insofar as it requests further training for Council staff.
- **Reject** submission 362 insofar as it requests that new buildings replicate the existing building.
- **Reject** submission 27 insofar as it requests the inclusion of groups of building with rear 'primary' additional elevations in Mt Victoria.
- **Accept** submission 27 insofar as it requests the removal of the non-notification statement.
- **Reject** submission 27, 38 and 362 insofar as they request mandatory notification.

- **Accept** submission 37 and 362 insofar as requests a stronger emphasis on retention of existing building stock.
- **Reject** submission 57 insofar as it requests recognition of works on the state highway network in Policy 4.2.2.1.

4.8 Residential Coastal Edge

Specific issues raised in submissions include:

- Adopt the proposed provisions relating to the Residential Coastal Edge. (**submission 1**)
- Retain the proposed residential coastal edge, particularly the requirement to ensure new development is in keeping with existing character, and moves to retain vegetation on the coastal escarpments. (**submission 63**)
- Supports new provisions and the inclusion of the area around Pinelands Ave in Seatoun. (**submission 13**)
- Retain policy 4.2.2.2 which seeks to maintain the character of Wellington's residential coastal areas. (**submission 69**)
- Concerned that the boundary of the residential coastal edge does not include sufficient land to ensure protection of the coastal escarpments - the areas should include all land up to, and a little bit above the 13 metre contour. (**submission 69**)
- Oppose the proposed Residential Coastal Edge. Council should either make application of the proposal (and associated height controls) voluntary, or provide compensation to property owners for lost development potential. Provide for predicted sea-level rise in coastal areas. (**submission 7**)
- Remove all of the parcels within the submitter's Houghton Bay property (Part Lots 385-392, DP 172) from the Residential Coastal Edge. (**submission 53**)

Discussion

The Residential Coastal Edge (RCE) is a new planning instrument inserted by DPC 72. It evolved out of a citywide character study commissioned in 2007 to identify areas within the existing urban fabric of the City that have a unique character that is 'sensitive to change.'

The coastal edge stretching from Point Jerningham, around the Miramar Peninsula, and along the south coast to Owhiro Bay was identified as an area that makes a particularly valuable contribution to the City's unique character and 'sense of place'. The special character derives from the relationship between the openness of the coast, the coastal road, the houses and the vegetated escarpment behind. This area has been termed the RCE and is identified on the planning maps and in Appendix 2, Chapter 5.

New provisions have been added to acknowledge the character attributes of the RCE, including:

- An additional building height control (taken to be 13 metres above sea level) to help avoid buildings 'stepping' up the escarpment;
- Ensuring that new buildings respect existing patterns of development. This is particularly important if development is proposed on amalgamated sites, to ensure that the new development respects the existing lot patterns;
- Controls on fences (other than wire fences) and other structures on the middle and upper slopes of the escarpment;

Submissions 1, 13, 63 and 69 support the proposed provisions and this support should be accepted.

Submission 69 is concerned that there are a places along the coast where the inland boundary of the RCE sits below the 13 metre contour, thereby nullifying the intent of the area. Officers note that this occurs either where the land below the 13 metre contour is in public ownership, or in areas where the coastal escarpment is less pronounced. These latter areas occur where the slope of the escarpment is less challenging allowing houses to be built on the slope rather than just at the toe of the escarpment. In these areas Officers considered that there was little benefit in applying the special RCE controls, so the boundary of the area has been drawn along the street frontages of the relevant properties.

Two submissions have been received opposing the RCE. **Submission 7** considers that the proposal is draconian and unfair. The submission considers that the new provisions should either be made voluntary, or property owners should be compensated for lost development potential. In response Officers consider that the proposed controls are appropriate. The rules have been carefully considered and drafted to reflect the predominant development patterns in these areas. No activities are prohibited, rather the new rules provide a trigger to enable careful consideration of development proposals that could potentially impact on the special character of the coastal area.

In terms of compensation Officers note that under the RMA compensation is generally only payable if a planning rule is so onerous that it renders a property incapable of reasonable use. It is not considered that the proposed rules fall into this category.

Submission 53 relates to a large property located on the eastern side of Houghton Bay. The submission requests that the property be removed from the RCE because it does not fit the basic criteria for inclusion in the area. In particular:

- The majority of property is located above the 13 metre contour so it is not possible to comply with the District Plan standard
- The property is largely undeveloped and does not demonstrate the development typology described in policy 4.2.2.2 of a strip of buildings running along the base of the escarpment
- There is no escarpment in this location, rather a headland with cuttings developed as part of the formation of The Esplanade/Queens Drive

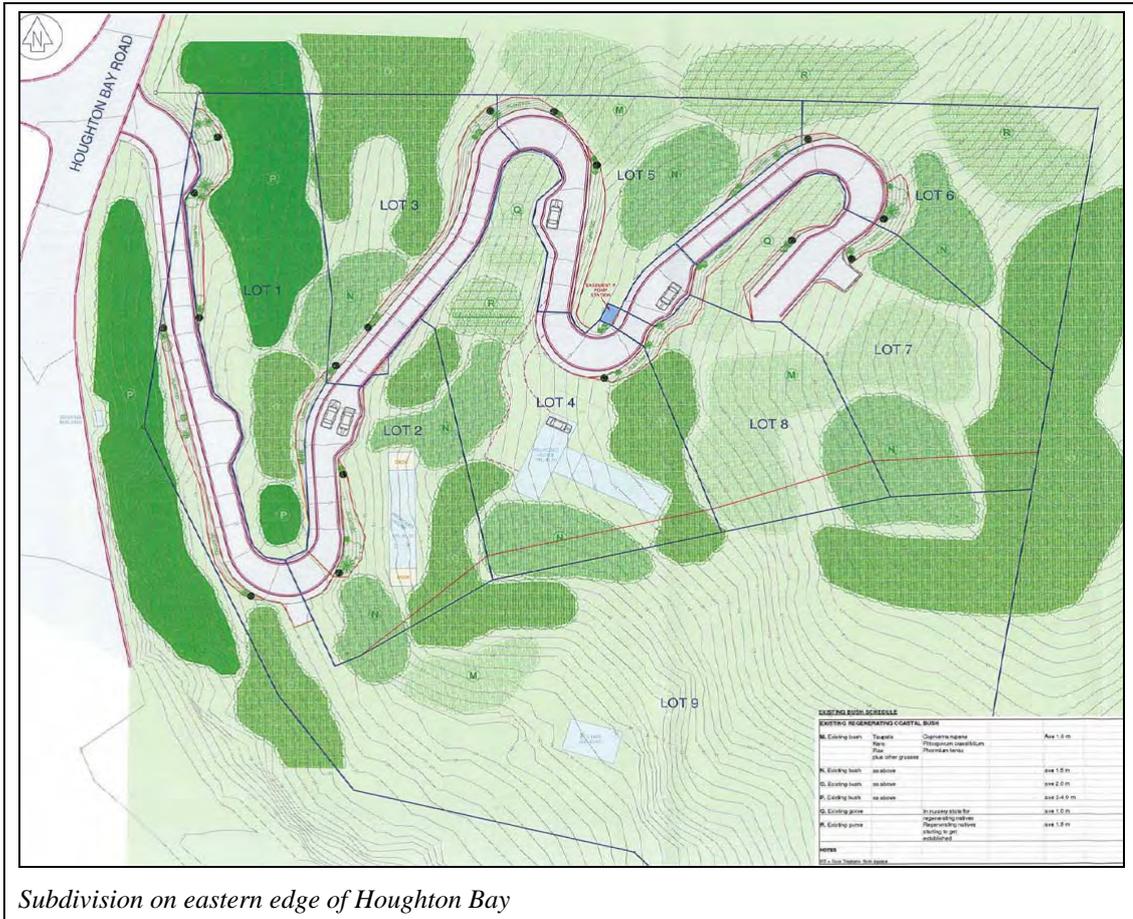
Officers acknowledge that the site in question does not display the development patterns typical of the RCE. It is unusually large, extends further inland than most other properties and is largely undeveloped.

Officers also agree that policy 4.2.2.2 current focuses on the predominant pattern of development in the RCE (i.e. a row of residential dwellings at the toe of the escarpment), and does not explicitly recognise those areas that form part of the coastal environment, but which do not display these patterns. This leaves a policy void in terms of how any future development should be considered. However Officers do not consider that this means that these areas should be excluded from the RCE.

The purpose of the RCE was to help manage coastal areas that were sensitive to change, including a number of coastal areas that are currently relatively undeveloped and which are located above the 13m contour. These areas include the eastern side of Houghton Bay, and the area between Breaker Bay and the Pass of Branda. These are highly visible coastal areas that are zoned Outer Residential so may be subject to development in the future. If and when these areas are developed it is considered important that some consideration is given to the potential impact on coastal character.

In terms of the land on the eastern side of Houghton Bay, Officers note that the southern portion of the property is highly visible when viewed from the west. The inland portion of the site are somewhat removed from the coast and is less prominent.

Council is currently processing a 9 lot fee-simple subdivision for this site. It is probable that a decision will be released on this consent prior to a decision being issued on DPC72 if the subdivision is approved. The proposed subdivision layout is shown below:



The current application for subdivision has gone to significant lengths to minimise earthworks and integrate the development into the landscape. The application includes designated building sites that seek to minimise the visibility of dwellings and identifies significant areas of regenerating vegetation to be protected. In many ways this development is consistent with the intent of the RCE.

However, the subdivision creates a large residential lot (approx 6000 sq.m) at the southern (coastal) end of the property. This lot is not part of the subdivision so will not be subject to any covenants or restrictions that might be applied to the remainder of the subdivision. This is the most prominent lot and given its size it could be subject to significant further development. Given the prominence and size of this lot it is considered important that it be retained within the RCE to enable consideration of the impact of any future development on the areas coastal character. However, Officers consider that the remainder of the property could be excluded from the RCE on the grounds that the land is further from the coastal edge and will be developed in accordance with the controls attached to the current subdivision.

Officers therefore recommend that DPC 72 be amended to:

- realign the boundary of the RCE to run along the northern edge of Lot 9.
- Provide additional policy guidance as to the outcomes sought on the atypical lots that are located above the 13m contour and which do not demonstrate the predominant development typology. This guidance would include the minimisation of earthworks, retention of significant areas of native vegetation,

and the siting and design of new buildings to ensure that they are visible unobtrusive and do not adversely impact on existing coastal character.

Recommendation

- **Accept** submissions 1, 13, 63 and 69 insofar as they support the proposed Residential Coastal Edge provisions
- **Reject** submission 69 insofar as it requests that all areas up to and including the 13 metre contour be included in the Residential Coastal Edge area
- **Reject** submission 7 insofar as requests that the Residential Coastal Edge area be either deleted or made voluntary
- **Accept in part** submission 53 insofar as it requests that property on the eastern side of Houghton Bay be excluded from the Residential Coastal Edge.

4.9 Coastal - general

Specific issues raised in submissions include:

- Protection of the coastal environment should be extended to preventing new structures on the seaward side of coastal roads. (**submission 364**)
- Esplanade reserves of 20 metres above mean sea level should be set aside. (**submission 13**)
- Consider including rules regarding minimum distance that houses should be above mean high water springs. (**submission 10**)

Discussion

Submission 364 seeks greater protection for the coastal environment, including rules to prevent new structures on the seaward side of coastal roads. Officers note that the vast majority of land on the seaward side of the coastal road is zoned Open Space so is outside the scope of this plan change. It is also noted however that there is very limited scope for new buildings in the open space zone, particularly the Open Space B zone, which should go some way to meeting the submitter concerns.

Submission 13 requests that the plan provide for esplanade reserves of 20 metres above mean sea level to be set aside. Officers note that the plan already makes provision for the taking of esplanade reserves if land adjacent to the coast is subdivided. However in reality it is unlikely that this will happen as the only area of the city where residentially zoned properties abut the coastal edge is a small pocket of approximately 12 properties on the eastern side of Lyall Bay. Outside of this area the land abutting the coast is either road reserve or open space land already owned by Council.

Submission 10 suggests that Council consider the inclusion of a rule regarding the minimum distance houses should be above mean high water springs, to help maintain the coastal environment and create safer set backs in the event of storms and sea level rise. Officers do not support this change at this time on the basis that further work would be required before Council could assess the need for additional controls to help manage effects relating to sea level rise and coastal storm events. Officers also note that there are only 12 residentially zoned properties located on the seaward side of the coastal road, so there is little scope for new residential development to impact on access to the coast or inhibit restoration of the coastal environment.

Recommendation

- **Reject** submission 364 insofar as requests additional controls on buildings and structures on the seaward side of coastal roads
- **Reject** submission 13 insofar as requests additional provisions to require esplanade reserves to be taken along the coastal edge

- **Reject** submission 10 insofar as it suggests inclusion of a rule controlling the height of new buildings above mean high water springs.

4.10 Residential Design Guide

Specific issues raised in submissions include:

- Retain the proposed Residential Design Guide as notified. (**submissions 30 & 361**)
- Include side and rear yard setbacks as 'primary characteristics' when assessing local context under guideline G1.1. (**submission 27**)
- Amend the content of the design guide to more accurately reflect the character, streetscape, amenity and heritage values of Aro Valley as a whole. (**submission 60**)
- Amend the content of the design guide to better reflect the design characteristics of the 'peripheral areas' identified in the operative District Plan provisions. (**submission 60**)
- Mt Victoria North Design Guide is woefully inadequate. Request that Council prepare an updated design guide as soon as possible. (**submission 27**)
- Amend the Residential Design Guide to place a greater emphasis on the provision of residential units that are accessible to people with limited mobility. In particular include guidance on the accessibility of car parking spaces, front entrances, open space, and the internal layout of houses. (**submission 366**)
- Council should initiate the development of a New Zealand Standard for the 'universal design' of housing that provides for occupants with disabilities or limited mobility. (**submission 366**)
- Improve design for Johnsonville Centre area. (**submission 163**)

Discussion

Submissions 30 and 361 support the Residential Design Guide as notified. This support should be accepted.

Submission 27 requests that side and rear yard setbacks be included as 'primary characteristics' under guideline G1.1. Officers consider that the issue of building layout on site is already adequately covered by the term 'plan dimension and siting' which is referred to in G1.1 and explained further under guidelines G1.7 and G1.8.

Submission 60 seeks amendments to the content of the design guide to more accurately reflect the character, streetscape and amenity of Aro Valley and peripheral areas. Officers note that the intent of the design guide is not to provide detailed descriptions of all parts of the City. Rather it is intended to provide a framework for the consideration of development proposals that could impact on the character and amenity of established residential neighbourhoods. The design guide requires that every application undertake an analysis of its surroundings, to establish the context against which the appropriateness of the proposed development can be assessed. Officers consider that this approach is the most appropriate approach to urban design assessments as it provides the flexibility to deal with the myriad of different residential neighbourhoods that exist around the city.

Submission 27 notes that the Mt Victoria North design guide is woeful and should be replaced. Officers agree and note that DPC 72 addresses this situation by applying the whole of the residential design guide to the Mt Victoria North area.

Submission 366 requests that the Residential Design Guide be amended to place a greater emphasis on the provision of residential units that are accessible to people with limited mobility. Officers agree that some degree of guidance would be appropriate, particularly for new multi-unit developments that are clearly targeted towards occupants

that are more likely to have mobility restrictions. The following new guidelines are suggested

G2.13 For developments that are likely to be occupied by people with limited mobility, where practical provide either internal garage or an at grade link between parking spaces and their associated unit.

G3.20 For developments that are likely to be occupied by people with limited mobility, where practical provide ground level access that is accessible by people using wheel chairs, and design units with reference to NZS 4121:2001 'Design for access and mobility: buildings and associated facilities'.

Submission 366 also requests that Council initiate the development of a New Zealand Standard for the 'universal design' of housing that provides for occupants with disabilities or limited mobility. Officers note that this work falls outside the scope of DPC 72.

Submission 163 seeks better urban design for the Johnsonville centre area. Officers note that this matter has been provided for under DPC 73, which has installed a requirement for an urban design assessment for new buildings within Wellington's suburban town centres.

Recommendation

- **Accept** submission 30 and 361 insofar as they support the proposed Residential Design Guide
- **Reject** submission 27 insofar as it requests that side and rear yard setbacks be added as primary characteristics in guideline G1.1
- **Reject** submission 60 insofar as requests more detailed descriptions of the character of Aro Valley and peripheral areas.
- **Accept** submission 27 insofar as requests improved design controls for Mt Victoria North
- **Accept** submission 366 insofar as it seeks greater recognition for disabled access in the Residential Design Guide
- **Reject** submission 366 insofar as it seeks that Council initiate the development of a national standard on disabled access
- **Note** submission 163 insofar as requests improved design for the Johnsonville town centre.

4.11 Low impact design

Specific issues raised in submissions include:

- Place a stronger emphasis on the preservation of clean air and water when designing and building around Wellington. (**submission 364**)
- Provide stronger rules to prevent adverse alterations to waterways, especially during the subdivision planning and development process. Utilise Low Impact Urban Development principles to assist with improving water quality. (**submission 10**)
- Provide higher prioritising of native plantings over exotic plants. (**submission 364**)
- Support policies that encourage the identification and protection of woody vegetation, areas dominated by indigenous vegetation and riparian vegetation. (**submission 10**)

- Establish a register of mature, visually prominent trees and bush to be afforded protection in the District Plan. (**submission 13**)
- Policy 4.2.3.7 which 'encourages' retention of mature, visually prominent trees is not strong enough. Include rules to prevent the destruction of trees that are identified as being significant to the community. (**submission 64**)
- Amend the rules to include a map and acknowledgement of the ecological corridor proposed in the Northern Growth Management framework which links the coastal escarpments through Belmont, Seton Nossiter, Glenside Reserve, down Porirua Stream alongside Middleton Road, and up Stebbings Valley to Spicer's Bush. (**submission 64**)
- Protect areas of existing bush on Miramar Peninsula, particularly the bush areas below the prison, above Kau Bay, behind Shelly Bay, and the areas above the southern coastal bays. (**submission 63**)

Discussion

Submission 364 requests that Council place a stronger emphasis on clean air and water when designing and building around Wellington. At a high level the Council's general policy of urban containment and encouraging growth to occur in established urban areas helps to achieve these aims.

Submission 10 requests stronger controls to prevent adverse alterations to waterways. In relation to both **submissions 10 and 364** above Officers note that there are limits on the extent to which the District Plan can deal with these issues, as the Regional Council is the consenting authority responsible for managing discharges to water and air, and the diversion or piping of streams.

However the District Plan contains a number of mechanisms to help manage the impact of earthworks, subdivision and development on the natural environment. These include the subdivision design guide, controls on earthworks within 5 metres of a stream, and policies encouraging the minimisation of hard surfacing and the retention of visually prominent trees and bush.

Submissions 10, 13 and 64 generally support policies promoting the retention of vegetation, but request that the plan go further to identify and protect significant trees or areas of significant indigenous vegetation.

At present the District Plan only protects listed heritage trees. Recent amendments to the RMA, removed Council's ability to apply blanket vegetation protection rules. Accordingly any new vegetation protection rules would need to be targeted at specific trees or areas of vegetation. In order to ensure consistency any such areas would ideally be selected following a city-wide survey of existing vegetation, including centres, open space, rural and residential areas. Officers consider that this work cannot be implemented as part of DPC 72 and recommend that it be included as part of the upcoming 10 yearly comprehensive review of the plan.

Submissions 63 and 64 seek greater recognition and protection of existing bush framework and ecological corridors on the Miramar Peninsula and in the northern growth area respectively.

With regards the Miramar Peninsula Officers note that large portions of the northern and southern ends of the peninsula are already zoned as either Conservation or Open Space, and therefore have a reasonable degree of protection.

With regards the northern growth area, future development in this area will be managed in the first instances under the provisions of Urban Development Area chapters (27 and 28), that were installed by plan change 45. The Northern Growth Development Framework identifies green corridors at a high level and these areas will be redefined and rezoned as the structure plan and subdivision pattern for this area is developed.

Recommendation

- **Accept in part** submission 10, 13, 63, 64 and 364 insofar as they support the existing policies regarding the protection of waterways and the retention of existing vegetation
- **Reject in part** submissions 10, 13, 63, 64 and 364 insofar as the request additional provisions in the plan to protect waterways, water quality and areas of significant native vegetation.

4.12 Natural Features

Specific issues raised in submissions include:

- Submitter strongly supports Objective 4.2.8 (**submission 69**)
- Identify sites with significant indigenous biodiversity values on District Plan Maps. (**submission 361**)
- Include the biodiversity action plan and grant programmes as methods under policies 4.2.8.3 and 4.2.8.4. (**submission 361**)
- Include an additional policy at 4.2.8.4 that ensures protection and restoration of indigenous ecosystems and habitats. (**submission 361**)

Discussion

Submission 69 supports objective 4.2.8 relating to the maintenance and enhancement of natural features. This support should be accepted

Submission 361 requests that Council identifies sites with significant indigenous biodiversity values on the District Plan maps. The submission notes that approximately 400 sites of significant indigenous biodiversity have been identified around Wellington City. Officers note that under the District Plan the Conservation zone is used to manage areas of significant ecosystems and habitats. A review of this chapter is due to be initiated in 2010 as part of the ten yearly review of the district plan, and it is considered that additional sites can be considered for conservation status as part of that process.

Submission 361 request that bio-diversity action plans and grant programmes be added as methods under policy 4.2.8.3 which encourages the retention of existing vegetation. This submission is supported.

Submission 361 also requests that Council add a new policy at 4.2.8.2 that ensures protection and restoration of indigenous ecosystems and habitats. Officers are comfortable with this suggestion on the grounds that it is consistent with the wording of the overarching objective, but note that any such policy would have to be phrased in terms of 'encouraging' rather than 'ensuring' as there are no specific rules or controls that would flow from the policy. Officers suggest the following wording:

4.2.8.4 Encourage retention and restoration of indigenous ecosystems and habitats.

Recommendation

- **Accept** submission 69 insofar as it supports objective 4.2.8
- **Reject** submission 361 insofar as it request that Council identify additional sites of indigenous biodiversity value on the planning maps
- **Accept** submission 361 insofar as it requests a reference to Bio-diversity Action Plans in policy 4.2.8.3
- **Accept** submission 361 insofar as request an additional policy recognising the importance of indigenous ecosystems and habitats.

4.13 Sustainability

Specific issues raised in submissions include:

- Submitter strongly supports Objective 4.2.5. (**submission 69**)
- Add a new policy under objective 4.2.5 to 'facilitate travel demand management' and greater use of active transport modes and increase use of public transport. (**submission 59**)
- Amend policy 4.2.5.1 to note the energy efficiency benefits of subdivisions that have been designed to actively encourage walking and cycling. (**submission 57**)
- Retain objective 4.2.5 and policies 4.2.5.2. and 4.2.5.3, and amend Policy 4.2.5.1 to widen the scope to which sustainability applies. (**submission 361**)
- Provide a clearer expression of planning support for sustainable development practises and green building technologies. (**submission 364**)

Discussion

Submissions 69 and 361 support objective 4.2.5 relating to energy efficiency and sustainability. This support should be accepted.

Submission 59 requests that the following policy be added under objective 4.2.5:

Facilitate travel demand management, the use of active modes, reductions in car ownership, and the effective operations and increased use of public transport

Officers do not support the inclusion of this policy on the grounds that it goes beyond the intended scope of the District Plan in terms of dealing with these issues. The focus on the plan is to help ensure that the city maintains a 'robust' urban form that can adapt to changes in where people live and which transport modes they use. It is not the intent of the plan to specifically mandate one mode of transport over others.

Submission 57 requests that the explanation to policy 4.2.5.1 be amended to note the energy efficiency benefits of subdivisions that have been designed to actively encourage walking and cycling. It is recommended that this submission be accepted and that the following text be added after the first sentence in the first paragraph:

Buildings and subdivisions that are designed to actively encourage walking and cycling can also lead to energy efficiency improvements.

Submission 361 is concerned that policy 4.2.5.1 is too narrowly focused on building design, and should be expanded to encompass other aspects of sustainability. The submission proposes the following amendment:

4.2.5.1 *To promote a sustainable built environment in the Residential Area, using the principles of low impact urban design and involving the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.*

Officers accept the concerns raised in the submission but suggest amending the policy as follows

4.2.5.1 *To promote a sustainable built environment in the Residential Area that:*

- *Utilises principles of low impact urban design; and*
- *Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.*

Submission 364 considers that the District Plan should provide a clearer expression of planning support for sustainable development practises and green building technologies.

Officers investigated this matter thoroughly when researching DPC 72. While Officers would be comfortable with the provision of further incentives for developing 'green

buildings', unfortunately the District Plan is a fairly blunt tool for achieving this. The only carrot that the District Plan can offer is increased development potential. In the residential context this generally means more residential units or larger residential buildings. Officers concluded that in established residential neighbourhoods it would be difficult to provide for additional development potential because communities already have expectations as to the density and scale of residential buildings that might be built in their area.

In March 2008 the latest amendments to the Building Code came into effect. Under the code all new residential buildings are required to achieve certain energy efficiency standards or BPI (building performance indicators). Consideration is given to the types of materials, insulation levels, lighting etc used in the proposed building. Although not perfect the new code is a major step forward in terms of improving the energy efficiency of new residential buildings, with mandatory requirements for double glazing and significant increases in minimum insulation standards.

Given the improvements made to the Building Code, Officers consider that at this time, the most effective approach to green buildings to recognise their benefits in policy (so they could be balanced up in a consent application) and to remove any potential barriers contained within the existing district plan provisions. The current policies are considered to be consistent with this approach.

Recommendation

- **Accept** submission 69 insofar as it supports objective 4.2.5
- **Reject** submission 59 insofar as request an additional policy relating to travel demand management and other transport modes.
- **Accept** submission 26 insofar as it requests amendments to the explanation to policy 4.2.5.1
- **Accept** submission 361 insofar as requests amendments to policy 4.2.51
- **Reject** submission 364 insofar as it request additional support for sustainable development and green buildings

4.14 Access

Specific issues raised in submissions include:

- Submitter supports policy 4.2.12.1 and its focus on public transport, cycling and walking. (**submission 69**)
- Amend policy 4.2.12.4 regarding parking and site access by inserting a requirement to assess the effects of a proposal on the safety and efficiency of SH1. (**submission 57**)
- Amend policy 4.2.12.5 to recognise that the road hierarchy includes roads of national significance. (**submission 57**)

Discussion

Submission 69 supports policy 4.2.12.1 and its focus on public transport, cycling and walking. This support should be accepted.

Submission 57 supports policy 4.2.12.4, but requests that it be amended to include an additional assessment matter regarding the potential affect of a proposal on the state highway network. Officers agree and recommend adding the following text to the eighth paragraph of the policy:

- Whether the proposal will adversely impact on the safety and efficiency of the state highway network.

Submission 57 supports policy 4.2.12.5 but requests that it be amended to include a specific reference to the importance of state highway 1. Officers agree that State Highway 1 serves as a north-south key transport corridor across the city, and recommend adding the following text to the explanation of policy 4.2.12.5:

The hierarchy includes State Highways One and Two which provide a key transport corridor from the northern edges of the city through to Wellington airport.

Recommendation

- **Accept** submission 69 insofar as it supports policy 4.2.12.1
- **Accept** submission 57 insofar as requests greater recognition of the state highway network in policies 4.2.12.4 and 4.2.12.5

4.15 Future link roads

Specific issues raised in submissions include:

- Adopt the possible future link road between Wrights Hill and the southern land fill referred to in policy 4.2.12.3 (**submissions 5, 14, 15, 16, and 17**)
- Oppose the development of a formal vehicle roadway from Wrights Hill to Mitchell Street. (**submission 364**)
- Applicant questions the practicality of creating a link road from Wrights Hill to the southern landfill, as described in Policy 4.2.12.3 (**submission 55**)
- Delete the proposed future road linking McLintock Street to Ohariu Valley Road from Map 23 (**submissions 32, 33, 34, 35, 36, 82 & 102**)
- Amend the alignment to the future link road to coincide with the alignment shown in Appendix 9. (**submission 69**)
- Submitter opposes policy 4.2.12.3 and the proposal for future connector roads from Ohariu Valley Road to McLintock Street, and from Wrights Hill Road to Mitchell Street/southern landfill. (**submission 69**)
- Amend policy 4.2.12.3 regarding extensions to the existing road network to recognise that the future development of SH1 may affect residential areas. (**submission 57**)

Discussion

Policy 4.2.12.3 signals that at some stage in the future extensions may be required to Wellington's existing road network. The explanation to the policy notes four possible extension routes, but notes that before any of these extensions could proceed they would have to go through the designation or resource consent process.

DPC 72 introduced a new route running from Wrights Hill in Karori, to Mitchell Street in Brooklyn. If it were ever developed this route would provide an alternate route into Karori in the event of an emergency and would potentially reduce congestion on existing routes into the suburb.

Submission 5, 14, 15, 16, and 17 support the proposed route. **Submissions 69 and 364** oppose the proposed route, while **submission 55** questions the practicality of creating the link. **Further submission 9** is neutral in relation to the above submissions.

On the basis that the inclusion of the route in policy 4.2.12.3 is for information purposes only, Officers consider that it should be retained. However Officers note that if the reference to the link is retained, the description of the route should be clarified. The description contained in the policy refers to a link from Wrights Hill in Karori to Mitchell

Street in Brooklyn. In fact the proposal would run along the ridge to the west of Mitchell Street and extend down to the southern landfill.

Policy 4.2.12.3 also proposes a new link road that would connect Ohariu Valley Road to McLintock Street on the western edge of Johnsonville. **Submissions 32, 33, 34, 35, 36, 69, 82 & 102** oppose the proposed connector road, on the grounds that the connection is not required and any further roading development will be detrimental to the local landscape and the heritage values of the 'Old Coach Road. **Submission 69** requests that the alignment of the existing road (at the northern end) be amended to be consistent with Appendix 9, Chapter 5.

Officers consider that the link road from Ohariu Valley Road to McLintock Street should be retained. Formation of this road would improve connectivity around the western edge of Johnsonville, providing for more efficient access and enhancing the viability of public transport in this area. Officers do however agree that the alignment of the possible link shown on Map 23 should be amended to reflect the alignment of the formed portion of McLintock Street.

Officers note that due to a mapping error, the indicative alignment of the possible link roads was either not included on the planning maps, or not updated to reflect actual road alignments. If the hearing committee is inclined to retain the future road links referred to in policy 4.2.12.3, then Officers recommend that the correct alignment of the routes be shown on the planning maps.

Submission 57 requests that policy 4.2.12.3 be amended to note that further development of the state highway network may also be required in the future. Officers agree that it is appropriate to make reference to future state highway improvements in policy 4.2.12.3. It is likely that future works will be required to improve the capacity and efficiency of the state highway network in order to implement Transmission Gully and the findings of the Airport to Ngauranga study. Officers suggest the following text:

Further works may also be required to the State Highway network to improve its efficiency and capacity as it runs through the city.

Recommendation

- **Accept** submissions 5, 14, 15, 16, and 17 insofar as they support a future link road from Wright Hill to the southern landfill.
- **Reject** submission 364 insofar as it opposes a future link road from Wright Hill to the southern landfill.
- **Note** submission 55 insofar as it questions the practicality of developing a future link road from Wright Hill to the southern landfill
- **Reject** submissions 32, 33, 34, 35, 36, 82 & 102 insofar as they oppose a future road linking McLintock Street and Ohariu Valley Road supports policy 4.2.12.1
- **Accept** submission 69 insofar as it suggests re-alignment of the future road linking McLintock Street and Ohariu Valley Road shown on map 23.
- **Accept** submission 57 insofar as it requests amendment to policy 4.2.12.3 to recognise future extensions to the state highway network

4.16 Non-residential activities

4.16.1 Non-residential activities - general

Specific issues raised in submissions include:

- Amend policy 4.2.7.6 regarding early childhood education centres to recognise that travel plans and public transport are valid means by which to manage the traffic

- Amend rule 5.3.3 relating to early childhood education centres to require consultation with NZTA for any facility that might impact on the state highway network. **(submission 57)**
- Amend the work from home definition to exclude spray painting of motor vehicles. **(submission 27)**
- No 'work from home' activity should have an adverse effect on adjacent property owners. Exclude automotive painting operations or any operation involving the use of any hazardous material from the definition of work from home activity. **(submission 362)**
- Retain the existing work from home criteria that requires the all workers must reside on the premises in the Inner Residential area north of John Street. **(submission 38)**
- Split rule 5.4.1 into two rules covering activities and buildings and structures, so that it is consistent with the overall rule structure. **(submission 55)**
- Amend the permitted rules under section 5.1 to provide for hotel activities and ancillary uses on the Brentwood Hotel site (20 Kemp Street, Kilbirnie). **(submission 31)**
- Either zone all of the property at 21 Hania Street (Lot 1, DP 77128) as Central Area, or make provisions in the Outer Residential zone for the on-going use of the site for church and church related activities, and the existing ground floor tenant (C&CDHB). **(submission 42)**

Discussion

Submission 59 requests that policy 4.2.7.6 regarding early childhood education centres be amended to recognise that travel plans and public transport are valid means by which to manage the traffic effects of centres. While Officers suspect that the majority of early childhood education centres will be served principally by private vehicle, it is agreed that the policy should provide for consideration of other methods of managing traffic demand. Officers recommend that the following text be added to the fourth bullet point of policy 4.2.7.6:

Consideration will also be given as to the degree to which travel plans or public transport can be utilised to reduce demand for carparking.

Submission 57 requests that NZTA be considered to be an affected party to any application for a early-childhood education centre that might impact on the state highway network. **Further submission 9** seeks partial amendments to the non-notification clause sought by submission 57. Officers agree that NZTA should be considered to be an affected party for any application that is located on a site that fronts a state highway. Accordingly the non-notification statement for rule 5.3.3 should be amended as follows:

Non-notification

In respect of rule 5.3.3 applications will not be publicly notified (unless special circumstances exist) or limited notified, except that New Zealand Transport Agency will be considered to be an affected party to any application located on a site fronting a state highway.

Submissions 27 and 362 request that the definition of 'work from home' be amended to exclude the spray painting of motor vehicles. **Submission 362** also requests that the definition exclude any operation that uses hazardous goods. At present the definition excludes the 'repair or maintenance of motor vehicles' and Officers agree that the spray painting of cars has a similar potential to be incompatible with surrounding residential uses.

Officers do not agree that the definition should also exclude any activity that uses hazardous substances. There are many work from home activities that use small quantities of hazardous substances (i.e. petrol, cleaning products, paints, fertilisers etc) that are appropriately located in a residential areas. Rather than exclude all of these activities Officers consider that Council should continue to use the hazardous substances provisions of the plan to manage any activity that proposes to use hazardous substances in significant quantities.

Submission 38 requests retention of the requirement that all workers must reside on the premises in the Inner Residential area north of John Street. This clause has been retained in the current definition so this submission should be accepted.

Submission 55 suggests splitting rule 5.4.1 into two rules covering activities and buildings and structures, so that it is consistent with the overall rule structure. Officers agree that the current rule is an anomaly, as elsewhere in Chapter 5 the rules are separated between the management of activities, and the management of buildings and structures. It is recommended that rule 5.4.1 be split into two so it is consistent with the structure used elsewhere in the plan. The revised rules are shown below:

5.4.1 Non-residential activities not specifically provided for as Permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).

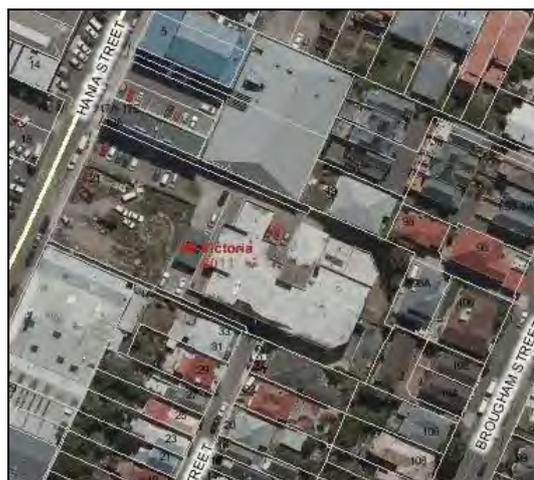
5.4.4.A Non-residential buildings and structures (including additions and alterations) not specifically provided for as Permitted or Controlled or Discretionary Activities (Restricted) are Discretionary Activities (Unrestricted).

Submission 31 requests that Council amend the rules in the plan to provide for the on-going use of the Brentwood Hotel at 20 Kemp Street, Kilbirnie. This site is zoned Outer Residential under the operative plan, and Area of Change under DPC 72. The hotel site does not abut any residential properties. It shares three boundaries with Evans Bay Intermediate School, and one boundary with a collection of commercial buildings at the corner of Kemp Street and Tacy Street. Given the location of the site away from other residential uses Officers consider that the best way to provide for the hotel site would be to include the site in the adjacent Business 1 zone.



Brentwood Hotel, Kilbirnie

Submission 42 requests that the plan be amended to either make provision for church and office activities at 21 Hania Street, or re-zone the property to Central Area. Officers do not support zoning this property to Central Area. The site has been zoned as residential for over thirty years and there are residential properties located in close proximity to the site on three sides. Creating a Central Area zone would result in almost any activity being permitted as of right on the site, potentially to the detriment of these adjoining residential properties.



21 Hania Street, Mt Victoria

The submission notes that under the current residential rules, any changes to the church activities on site requires consent as a Discretionary Activity (Unrestricted). Officers agree that this is unduly onerous given the nature of the building and its history of commercial office use. Officers agree that there is merit in permitting a limited range of non-residential activities on site, provided that these meet the relevant activity standards for the Inner Residential Area. This approach would be consistent with the approach suggested in section 6.16.2 below for managing established education institutions on sites with a residential zone. Officers recommend inserting the following new rule into section 5.1 of DPC 72

5.1.2.A Church and church related activities are Permitted Activities on the site at 21 Hama St (Lot 1 DP 77128), provided they comply with the standards in 5.6.1,

Recommendation

- **Accept** submission 59 insofar as request recognition of different transport options when considering early childhood education centres
- **Accept** submission 57 insofar as requests that NZTA be considered to be an affected party to early childhood education centres that front a state highway
- **Accept** submissions 27 and 362 insofar as they request that automotive spray painting be excluded from work from home activities
- **Reject** submission 362 insofar as it seeks that any activity utilising hazardous goods be excluded from the definition of work from home
- **Accept** submission 38 insofar as requests retention of the requirement for workers to live on-site in Inner Residential Areas north of John Street
- **Accept** submission 55 insofar as it requests that rule 5.4.1 be split into two separate rules
- **Accept** submission 31 insofar as it is proposed to re-zone the property at 20 Kemp Street as Business 1
- **Accept** submission 42 insofar as it is proposed to make special provision for office and church related activities at 21 Hania Street.

4.16.2 Non-residential activities –education institutions

Specific issues raised in submissions include:

- Add a new objective, policy and explanation, map and rules to provide for educational activities and some building works at the Victoria University of Wellington Karori Campus. (**submission 23**)
- Add a new map and rules to make suitable provision for educational activities and new building works at Queen Margaret College, Thorndon. (**submission 39**)
- Add a new map and rules to make suitable provision for educational activities and new building works at Samuel Marsden Collegiate School, Karori. (**submission 40**)
- Add a new map and rules to make suitable provision for educational activities and new building works at Scots College (Inc), Strathmore. (**submission 41**)

Discussion

The majority of Wellington's educational institutions are located on land zoned for residential purposes. Schools operated by the Ministry of Education are managed using a designation for 'educational purposes', but there are also a number of private institutions that are not able to utilise the designation and which are required to operate under the standard residential zone controls. While these institutions have existing use rights, any significant change to the nature and scale activities on site, or substantial new buildings, require a Discretionary Activity (Unrestricted) consent as a 'non-residential activity'.

Submission 23 seeks amendments to the residential rules to make provision for educational activities and building works at the Victoria University Campus in Karori. **Submissions 39, 40 and 41** seeks similar recognition for Queen Margaret College (Thorndon), Samuel Marsden Collegiate School (Karori) and Scots College (Strathmore) respectively. **Further submission 14** supports **submissions 39, 40 and 41**, and requests that St Mark's School on Dufferin Street also be recognised in the plan. **Further submissions 11 and 15** oppose the changes sought by **submission 39** in relation to Queen Margaret College.

The basic proposal put forward in the above submissions is that:

- Each site would be identified on the planning maps
- 'Educational activities' would be permitted within the identified areas
- Minor buildings works would be permitted within the identified areas, but most new buildings works would considered as a Discretionary Activity (Restricted)

Officers are generally supportive of these proposals, as each of the above institutions are long established in their respective neighbourhoods, and there is merit in recognising them in the plan. Officers also consider that it would be appropriate to recognise St Mark's School in Mt Victoria in the same manner.

Officers are comfortable with the proposal to make educational activities permitted (on the proviso that these activities can be suitably defined). On the basis that the intensity of the activity on site is unlikely to change significantly unless new buildings are constructed, making educational activities a permitted activity is unlikely to result in significant impacts on adjoining properties. Officers consider that any potential effects resulting from intensification can be suitably assessed under the Discretionary Activity (Restricted) rule for new buildings.

Officers do consider that any permitted activity rule should be tagged to note that the educational activities shall comply with the activity standards contained in section 5.6.1.

In terms of managing the effects of new building works, Officers are generally comfortable with the approach put forward in **submission 23**, but consider that there needs to be more clarity around the scale of permitted building works, and whether any new building works should be subject to the building standards contained in section 5.6.2.

Further submissions 11 and 15 oppose submission 39, on the grounds that further building works at Queens Margaret College could impact on the amenity of adjoining properties.

Officers note that under the Ministry of Education designation, standard building recession planes apply along shared boundaries. In addition to this any significant new buildings work go through an outline plan process.

Under the rule structure put forward in **submissions 39, 40 and 41** new buildings with a floor area of up to 100 square metres could be built up to any height, anywhere on the site as a permitted activity. Officers do not consider that this rule structure is appropriate given the potential for such buildings to impact on neighbouring properties.

Officers prefer the rule structure put forward in **submission 23** insofar as any permitted building works should be subject to at least the yard, height, building recession plane, and fixed plant noise standards in section 5.6.2. However officers agree with the point raised in **submissions 39, 40 and 41** that building works over 100 square metres should be considered as a Discretionary Activity (Restricted) to allow an assessment of the effect of the building, and the potential affect of an increase in the intensity of the activity on site. If the Hearing Committee agrees with this assessment then a permitted and discretionary (restricted) rule can be drafted for inclusion in the plan change.

Officers note that provision of these additional rules should go some way to alleviating the concerns raised in **further submissions 11 and 15**.

To help guide implementation of the new rule structure, Officers recommend including a new policy along the lines of that put forward in **submission 23**:

- 4.2.7.6.A Enable specifically identified non-residential activities and associated building activity provided relevant standards are met to avoid, remedy or mitigate adverse effects

Explanation

VUW Karori Campus – the campus is a significant physical non-residential resource. The Wellington Regional Strategy also identifies that the enhancement of VUW activities is of strategic importance to the economy and culture of the city and region. Accordingly, educational activities on the Campus are permitted. Small scale building additions and alterations are also permitted to enable the sustainable management and adaption of existing campus buildings. New non-residential buildings and larger additions remain Discretionary Activities to enable a full assessment of effects.

Recommendation

- **Accept** submissions 23, 39, 40 and 41 insofar as it is proposed to make provision for existing educational institutions located within residential areas.

4.17 Noise

4.17.1 Noise - general

Specific issues raised in submissions include:

- Withdraw references to 'Leq' in DPC 72 and replace them with references to 'L10' in a manner consistent with the operative District Plan. Include within the s32 report the option to undertake a full review of District Plan noise matters in a subsequent district wide review. (**submission 66**)
- Delete standards 5.6.1.1.3 and 5.6.1.1.4 relating to construction noise. (**submission 50**)

Discussion

DPC 72 proposes to alter the methods used by Council to manage noise effects in Residential and Centre areas. The key change is a proposal to update the noise controls to be consistent with the latest NZ Standard for noise measurement, which requires a move away from using L10's to measuring noise replacing these with Leq's.

Submission 66 requests that all references to “Leq” and associated nomenclature be withdrawn and replaced with “L10” in a manner consistent with the Operative District Plan. The submitter is concerned that the changes made to DPC 72 will result in the need to apply differing noises measurement techniques in different zones of the city. However, advice from Council's Noise Officers is that Leq is now the recognised way of measuring noise. Although DPC72 and 73 will be inconsistent with some other parts of the Plan, it is anticipated that the remaining chapters of the Plan will be updated to Leq in the comprehensive review of the Plan, which is anticipated will be commenced in 2011.

Submission 50 seeks an amendment to the noise standards in section 5.6.1. In particular it seeks the deletion of the construction noise standards 5.6.1.1.3 and 5.6.1.1.4. This submission is supported on the grounds that the proposed amendments would make the Residential noise standards consistent with the other chapters in the District Plan.

Recommendation

- **Reject** submission 66 insofar as it requests retention of the noise measurement system used in the operative District Plan.
- **Accept** submission 50 insofar as it requests the deletion of construction noise standards from section 5.6.1

4.17.2 Noise – traffic and road noise

Specific issues raised in submissions include:

- Amend policy 4.2.12.2 regarding the effects of the road network on residential areas to recognise the function of SH1 when seeking to minimise road traffic noise. (**submission 57**)
- Amend policy 4.2.7.2 to note that traffic noise should be anticipated in residential areas that abut SH1. (**submission 57**)
- Require all residential buildings built within a certain distance of a state highway (up to 100 metres) to be acoustically insulated to mitigate the effects of noise generated by traffic on the state highway. (**submission 57**)
- Submitter requests that the residential policies and rules be amended to recognise the potential noise generated by coarse road surfacing on busy suburban streets, particularly 'principal roads' shown on Map 33. (**submission 74**)

Discussion

Submission 57 has requested amendments to policies 4.2.7.2 and 4.2.12.2 to recognise the importance of the state highway network and to acknowledge that traffic noise should be anticipated in residential areas abutting a state highway. Officers support this request on the grounds that the state highway network is the key transport corridor through the city, and the policies should provide an appropriate balance between maintaining residential amenity while also facilitating the ongoing operation of the state highway network.

Submission 57 also requests amendments to the residential rules to require any new building works located within 100 metres of the state highway network to be acoustically insulated. **Further submission 12** supports this submission. **Further submission 5**

questions the appropriateness of relying on individual local authorities and their district plans to manage noise effects along state highways.

While Officers acknowledge the potential for reverse sensitivity issues to arise as a result of noise generated by the state highway network, they do not support a rule requiring acoustic insulation of all buildings within 100 metres of the state highway.

In the past the Council has applied noise insulation standard to properties within close proximity to Wellington International Airport and on sites close to port land. However on both occasion the requirement was only implemented following detailed analysis of the existing noise environment. This ensured that the insulation standard were only applied to those properties that were subject to elevated noise levels. Noise levels can be influenced by a wide range of factors including topography, vegetation, location of existing buildings and structures, and also existing noise sources in the area. With this in mind Officers consider that it would be poor planning practise to apply a noise insulation standard based on a somewhat arbitrary figure of 100 metres. Acoustic insulation requirements should only be considered for inclusion in the plan following detailed analysis as to which properties are actually subject to elevated levels of road noise.

Rule 5.1.5 in DPC 72 provides for the maintenance and upgrade of existing formed public roads as a permitted activity. This rule was carried over from the operative District Plan. **Submission 74** opposes this rule on the basis that it facilitates the use of different road surface materials as of right. The submission notes that re-sealing a road using chip seal can result in a significant increase in noise levels leading to a deterioration of amenity for pedestrians and adjacent residential properties. The submission notes that this problem is exacerbated on roads carrying high levels of traffic, and requests that the rule structure be amended so that consent is required to change the finished surface of 'principal roads' to a course surface (i.e. chip seal). The submission does not provide any detailed evidence as to the degree of increase in noise levels generated by a change in road surface.

In terms of assessing whether the existing permitted activity rule is appropriate, it is important to consider whether there is a significant increase in road noise as a result of using chip seal, and also the potential implications of the suggested amendments.

Research on the issue of road noise indicates that the change in total road noise resulting from the use of chip seal is relatively small. It also indicates that surface type (i.e. asphalt vs. chip seal) makes less difference to noise levels as the volume of heavy traffic increases. As a result, on principal roads where higher volumes of traffic are expected, the surface type contributes less to the overall traffic noise than other factors.

Wellington City's principal roads carry on average 12300vpd⁵; typically 5% of these are heavy vehicles.

Officers consider that the following calculations and examples demonstrate that the surface types currently used by Wellington City Council do not generate unacceptable noise levels. They use the lower 5% threshold for heavy vehicles which is in effect the worst case scenario for Wellington's Principal streets.

The following table illustrates noise areas:

Low noise area	< 60dBA
Medium noise area	60 – 70 dBA
High noise area	> 70dBA

⁵ WCC RAMM Database

The following table gives noise levels measured at various distances from a road⁶.

Noise Levels at varying distances for various road types					
Distance from closest traffic lane (metres)	Noise level(dBA) for range of traffic volumes at distance from road. Heavy vehicle percentage is 5% and traffic speed is 50kmph. Road surface is asphalt				
	5000	10000	20000	30000	40000
5	64	67	67.5	72	73
10	61.5	64.5	65.5	69.3	70.5
15	59.5	62.5	64.1	67.3	68.5
20	58.1	61.1	64.1	65.9	67.1

The following table gives the combined effect on noise from light and heavy vehicles for various seal types when compared to a dense asphalt surface.

Combined Surface effect on noise from light and heavy vehicles (dBA)					
% heavy vehicles	Dense Asphalt	OGPA	Fine Chip #4,5,6	Med. Chip #3	Coarse chip #2, 2-coat seals
0	0	0	3.0	4.0	6.0
3	0	-0.3	2.4	3.5	5.4
10	0	-0.8	1.3	2.8	4.3
20	0	-1.2	0.4	2.2	3.4

Nearly all dwellings are 5m from the traffic lane with most of them at least 10m from the traffic lane. This indicates that for asphalts we can expect a traffic related noise level of no more than 65dBA. Where the surface is subsequently changed to a single coat grade three chip seal the worst case scenario is an increase in noise of 3dBA. The cumulative effect is a noise reading of 68dBA for a grade 3 chipseal. Where the surface is changed to a two coat chip seal the worst case scenario is in increase to 70dBA.

These levels, while close for 2 coat seals, remain within the category of Medium Noise areas.

Noise is further reduced when inside buildings. With windows open it is reduce by about 12dBA and when windows are closed by about 18dBA⁷. Acoustic double glazing will reduce the windows closed values by a further 30dBA or more.

This indicates that for inside conditions the noise levels experienced due to traffic reduce to between 44 and 56dBA for grade 3 chips seals and to between 46 and 58dBA for two coat chip seals. These levels are clearly with in the range for low noise areas.

Research undertaken by Opus Central Laboratories shows that even when a quieter surface is laid people initially notice the improvement but after a few months get used to the quieter surface and still experience annoyance with traffic noise at around the same levels as before the road was sealed. This suggests that nuisance noise generated by traffic interacting with the road surface is extremely subjective.

⁶ Opus Central Laboratories

⁷ <http://www.nonoise.org/library/levels/levels.htm>

Council uses chip seals because they are significantly cheaper to apply than asphaltic concretes by a factor of about four. A requirement to only place asphalt on principal roads would result in significant cost increases to the Council and place a financial burden on ratepayers. For example Middleton Rd between Churton Park and Tawa and Moa Point Road are designated as Principal Streets on Plan 33 of the District Plan and it would not make economic sense to asphalt these sections of road as the treatment selection considerations are primarily around waterproofing and skid resistance and road noise from any source will have little or no relevance to the type of treatment selected.

Poor technical decisions around surface treatments are also likely to result in a loss of New Zealand Transport Agency subsidy for those streets where chip seal is the correct technical solution to the needs of the carriageway.

Current Contract Rates and surface lives at 01/10/2009 were on average as follows.

Surface Type	Cost / m ²	Surface Life
Chipseal	\$6.68	9 Years
Slurry Seal	\$10.43	6 Years
Cape Seal	\$17.11	8 Years
Asphaltic Concrete	\$24.30	14 Years

Council's asset management plans currently indicate the need to resurface approximately 70km of our roads each year. More than half of this is done using chipseal.

The following table shows the existing surface types by road hierarchy.

Hierarchy	Type			Total
	AC	CS	Other	
ARTERIAL	58.36%	41.64%	0.00%	100.00%
CBD BUSINESS	100.00%	0.00%	0.00%	100.00%
CBD GOLDEN MILE	97.74%	0.00%	2.26%	100.00%
CBD SHOPPING	66.22%	0.00%	33.78%	100.00%
COLLECTOR	53.27%	46.66%	0.07%	100.00%
LOCAL	48.38%	51.62%	0.00%	100.00%
PRINCIPAL	66.79%	33.16%	0.05%	100.00%
RESIDENTIAL	56.50%	43.50%	0.00%	100.00%
RURAL 1	16.50%	83.50%	0.00%	100.00%
SERVICE LANE	91.22%	4.87%	3.91%	100.00%
STATE HIGHWAY	8.11%	91.89%	0.00%	100.00%
SUB-COLLECTOR	43.60%	56.40%	0.00%	100.00%
SUBURB SHOPPING	89.21%	10.79%	0.00%	100.00%
Grand Total	51.38%	48.50%	0.12%	100.00%

This table indicates that Council does not use chip seal in all circumstances. The Council's current design philosophy with respect to surfaces on principal roads is to chip seal where possible as this is the least cost maintenance option. Exclusions to this

include areas with high levels of use by the general public, and where high stresses are likely to be an issue such as at intersections and sharp bends. On principal roads this tends to be through suburban shopping centres and at intersections where significant volumes of traffic result in high stresses on the pavement surface. The remainder of the principal routes are chip sealed where appropriate, including the “rural” type roads such as Middleton Rd and sections of the south coast.

The Council also recognises that the coarser grades of chip seal contribute to undesired effects to adjacent properties and limits the use of the two coarsest grades to areas where there are no residential properties. The coarsest Grade 1 Chip has not been used in Wellington for at least 25 years.

Chip seal also provides the most cost effective solution to maintaining the skid resistance of the road surface and provision of adequate macro-texture.

Water on pavements can also affect levels of spray which can result in a loss of visibility for drivers. Chipseal assists with the drainage of surface water. They also along with adequate cross falls assist with pavement drainage during high rainfall events.

NZTA Guidelines preclude the use of Asphaltic Concrete in many higher speed areas due to low texture depth of the compacted surface for these very reasons (Network Operations Division Memorandum No. NetO 1/05, Macrotexture Requirements for Surfacing).

Officers also note that there are some situations where the application of asphaltic concrete and slurry based seals are not appropriate. Where multiple layers of asphaltic concrete are laid on a road surface those layers tend to form a stiffer layer at the surface. This is an undesirable outcome for many of our flexible road bases. Cracking propagates from the higher stressed area at the bottom of the layer and eventually results in the surface cracking and becoming permeable.

Applying asphaltic concrete often results in the need to raise the existing kerb and channel at regular intervals or roto-mill the existing surface to ensure that there is not a significant difference in level at the edge of the carriageway. A significant difference in levels at the interface between the carriageway and channel lip cause problems for cyclists and disabled users. The processes associated with adjusting the levels of adjacent surfaces are expensive (Kerb and Channel and footpath @ \$360 per lineal metre for both kerbs, and roto milling @ \$5.15 per square metre on the carriageway).

Consequently when Council is selecting treatments to be applied to existing surfaces all these factors and cost implications must be weighed up when making a decision.

Slurry seals have much shorter lives than chip seals and Council tends to only use them in quieter residential areas where the carriageway surface may have a dual use. Their relative higher cost also means that Council is using less and less of them as time goes on as other treatments are more cost effective in the medium to longer term.

Cape seals are also relatively expensive as they are a dual surfacing. They are typically twice the cost of chip seals and are currently only used where Council cannot raise the adjacent surfaces without considerable unjustified expense and where the smooth surface they give is required.

Officers note that there are a wide range of factors that determine which road surface treatment is appropriate for any given stretch of road. The approach proposed in **submission 74** of requiring resource consent to change the road surface on principal roads is a relatively blunt tool that does not take into account these factors or the variety of principal roads located around the city.

Officers are also unsure as to whether there would be a significant benefit in requiring consent to alter the road surface on all principal roads. Any such consent would require

detailed noise modelling of the surrounding area, and notice would have to be served on any affected parties. In reality to process is likely to be very costly and cumbersome, and cannot be justified given the relatively modest change in effects generated by a change in road surface.

On balance Officers consider that the current permitted activity rule should be retained. The option put forward by **submission 74** would have significant on-going maintenance and cost implications for the city as a whole that are not justified given the scale of noise increases generated by the use of chip seal. Officers consider that the current rule strikes an appropriate balance between the benefits accrued by the city and its occupants in terms of the cost effective maintenance of the road network, and the potential impact of this work on adjacent properties.

Recommendation

- **Accept** submission 57 insofar as it requests amendment to policies
- **Reject** submission 57 insofar as requests that acoustic insulation be required for any building works undertaken within 100 metres of a state highway
- **Reject** submission 74 insofar as it requests that consent be required to change the road surface on 'principal roads' to course chip.

4.17.3 Noise – managing residential use in the air noise boundary

Specific issues raised in submissions include:

- Include a revised definition of 'Noise Sensitive Activities' to include schools and hospitals. Amendments may also be required to the definition of habitable rooms. (**submissions 79 & 80**)
- Amend the noise insulation standards to ensure consistency across all zones within the City. (**submissions 79 & 80**)
- Include insulation standards that apply to extensions to existing dwellings (and other buildings containing noise sensitive activities) rather than just new dwellings. (**submission 79 & 80**)
- Strengthen the Residential Zone land use and subdivision rules for intensification of noise sensitive activities (including new residential dwellings) so that any intensification of household units is appropriately tested through the resource consent process. Specifically require consent for a second household unit on a site. (**submissions 79 & 80**)

Discussion

Submissions 79 and 80 raise a number of issues with the controls on noise insulation within the AirNoise Boundary (ANB). These are set out below:

The submissions request that the definition of 'noise sensitive activity' be widened to include schools and other learning facilities, hospitals and other caring facilities such as hospice. To ensure ventilation is covered, they also request amending the definition of 'habitable room' to capture classrooms used for teaching purposes or a sleeping room associated with an early childhood centre. These requests follow on from the recommendation in the Land Use Management and Insulation for Airport Noise Study, 2009 (LUMINs) which notes that schools and pre-schools are noise sensitive activities, and given their location within the ANB should be insulated.

While the general outcomes in the submissions and the LUMINs report are supported, further consideration is needed to determine whether regulation (via a District Plan rule) is necessary or the most appropriate method of achieving these outcomes.

The definition of ‘noise sensitive activity’ has citywide application. To this effect, the incorporation of educational activities and hospital into the definition will capture a significant amount of activities throughout the city, particularly in the Central Area and commercial areas in the City.

This same issue was raised in the deliberations on DPC 16 and DPC 23 (inner city noise insulation) - whereby the definition of ‘noise sensitive activities’ was specifically amended to remove educational and hospital activities due to:

...concerns that the application of the rule to these activities may lead to compliance and interpretation problems in the future. It is considered that the rule should target activities affected by night time noise or activities associated with sleep deprivation and not educational activities that could operate in environments akin to an office building. Additionally, activities such as hospital recovery are likely to be self regulated and occur very infrequently within the Central Area.

Early childhood centres are the only educational activities that have specific requirements for sleep and support for retaining this in the definition has been provided by CentrePort and the Ministry of Education. For this reason it is proposed to retain early childhood centres in the definition of noise sensitive activities⁸.

Officers therefore recommend retention of the current definition of ‘noise sensitive activity’.

Submitters 79 and 80 also request that the existing rule and performance standard for insulating buildings within the ANB, be replaced with the approach used elsewhere in the District Plan to mitigate the effects of high noise environments. This is opposed in a further submission by **Further Submitter 3** on the basis that this standard is not the norm for airports in New Zealand and that there is danger it might be considered the standard for retrofitted insulation.

To recap – within the ANB insulation is required only for new residential dwellings. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve an internal level of 45 dBA L_{dn} with doors and windows closed. No ventilation of habitable rooms is required.

Outside of the ANB under DPC 73 (Centres and Business Areas) and DPC 48 (Central Area), insulation is required for new buildings with noise sensitive activities. The performance standard requires habitable rooms in dwellings to be designed and constructed to achieve a particular noise reduction level – 30 ($D_n T_{,w} + C_{tr}$) for generally noisy areas or 35 ($D_n T_{,w} + C_{tr}$) for extremely noisy areas with a noise contour greater than L_{dn} 65dB. The performance standard also requires ventilation to ensure acoustic gains are not lost by opening windows.

There is also a small section of residential area outside the ANB but within the Port Noise Boundary – where the new residential dwellings require insulation and ventilation according to the new performance standard of 30 $D_n T_{,w} + C_{tr}$.

The request by submitters 41 and 42 is to ensure insulation is applied consistently to ‘noise sensitive activities’ (as opposed to residential dwellings) and to amend DPC 72 and DPC73 to ensure the performance standard is consistent with the approach used elsewhere in the Plan. That is 30 ($D_n T_{,w} + C_{tr}$) or 35 ($D_n T_{,w} + C_{tr}$) for extremely noisy areas with a noise contour greater than L_{dn} 65dB. These changes are considered to have merit for the following reasons:

- There is significant precedent elsewhere in the District Plan – consistent use of ‘noise sensitive activity’ and aligning performance standards provides an opportunity to ensure consistency throughout the plan

⁸ Paper to Built and Natural Environment Committee, Central Area noise insulation rules – renotification of DPC 16

- The approach has been proven to be highly effective in mitigating the adverse effects of noise and is adaptable to different noise environments, including airport noise
- The approach successfully deals with ventilation without losing acoustic gains achieved by insulation
- The approach is easy to administer
- The approach is well understood by the development sector and easy to implement for in new development projects
- The approach is considered to be an example of best practice in New Zealand and has been incorporated into several other District Plans and the review of the Building Act
- The approach is consistent with the recommendations of the LUMINs report.

Officers therefore recommend that the noise insulation standards applied to the ANB be amended as follows:

~~5.6.2.14 Noise Insulation: Airport Area~~

~~5.6.2.14.1 Any new residential dwelling inside the airnoise boundary depicted on Map 35 must be designed and constructed so as to achieve an internal level of 45 dBA Ldn inside any habitable room with the doors and windows closed.~~

5.6.2.14 Noise Insulation and Ventilation: Airnoise Boundary

5.6.2.14.1 Any habitable room in a building used by a noise sensitive activity within the airnoise boundary depicted on Map 35 shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 35 \text{ dB}$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

5.6.2.14.2 Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

Submissions 79 and 80 request that the plan include insulation standards that apply to extensions to existing dwellings (and other buildings containing noise sensitive activities) rather than just new dwellings.

This is considered a relevant issue within the ANB, and accords with the findings of the LUMINs report on noise insulation in the ANB that the current rules are inadequate. The request by **Submitters 79 and 80** to address this concern is linked to a request by these submitters on both DPC 72 and DPC73 to replace the existing noise insulation rule and standard within the ANB, with the approach used elsewhere in the District Plan. If the recommendation in support of the submission to replace the existing rule and standard is endorsed, it will by default deal with this issue as the Building and Construction rule (to which the noise insulation standards must comply) apply to "...construction, or alteration, or addition to buildings and structures...".

Submissions 79 and 80 request that the plan strengthen the Residential Zone land use and subdivision rules for intensification of noise sensitive activities (including new residential dwellings) so that any intensification of household units is appropriately tested through the resource consent process. Specifically they seek rule changes to

require consent for a second household unit on a site. **Further submission 5** opposes these submissions.

This request would have the effect of further tightening the land use and subdivision controls within the ANB, further constrain the ability to do infill housing or multi-unit development. The rationale being that without additional controls, there is scope for a significant increase in population and associated increase in reverse sensitivity risks for airport operation. In responding to this request, the following points require consideration:

- the LUMINs report does not specifically recommend further tightening of the rules beyond what is currently permitted under the operative plan. To this effect, the report suggests that outer Residential Areas should be A1 (Suburban House) - which is considered to have a good level of fit with the current allowable density rules in the operative district plan
- following on from the previous point, the current rules in outer residential areas were significantly tightened as part of DPC 56, resulting in much less ability to achieve medium and high density development outcomes.
- population growth in the ANB has traditionally been slow. Even with an increasing number of dwellings, this is likely to remain stable as household size continues to decrease. To this effect, current household size is approximately 2.55 persons per dwelling - this is expected to decrease to 2.4 persons per dwelling by 2026.

On balance Officers do not consider that further restrictions on infill development in the ANB is either necessary or desirable.

Recommendation

- **Reject** submissions 79 and 80 insofar as they seek to widen the definition of 'noise sensitive activity' to include educational and hospital activities.
- **Reject** submissions 79 and 80 insofar as they seek to amend the definition of habitable room to capture ventilation for classrooms.
- **Accept** 79 and 80 insofar as they seek to ensure insulation and ventilation requirements apply to noise sensitive activities (as opposed to residential dwellings only)
- **Accept** submissions 79 and 80 insofar as they seek to amend the existing noise insulation rules and performance standards within the ANB to be consistent with the approach used to insulate ($D_n T_{w} + C_{tr}$) and ventilate elsewhere in the city.
- **Accept** submissions 79 and 80 insofar as they request that the insulation standards apply to extensions to existing buildings as well as new buildings
- **Reject** submissions 79 and 80 insofar as they request that Council require consent for the second household unit on site.

4.18 Residential Standards

4.18.1 Building height

Specific issues raised in submissions include:

- Amend the definition of building height to clarify when it is appropriate to apply the additional one metre in height for a sloping roof, and include solar hot water systems under the list of exemptions from the height standards. (**submission 56**)
- Amend the definition of 'height' by adding skylights to the list of exemptions, and clarify that the exemption for solar panels also includes solar hot water heating systems. (**submission 55**)
- Amend standard 5.6.2.5.5 to clarify what constitutes a 'central ridge or peak'.

(submission 55)

- Amend the diagram contained within the definition of 'height' by inserting a missing line and clarify what constitutes a 'central ridgeline or peak'. **(submission 55)**
- Amend standard 5.6.2.5.5 by removing information that is repeated from the definition of 'height'. **(submission 56)**
- Amend standard 5.6.2.5.2 to remove duplication regarding the height of buildings in the hazard faultline area. **(submission 56)**
- Submitter supports the provision allowing an additional 1 metre of height for buildings with roof slope greater than 15 degrees, but seeks an amendment to enable increases of up to 3 metres in height for buildings with a roof pitch greater than 22 degrees. **(submission 26)**

Discussion

Submissions 55 and 56 request a number of amendments to the definition of building height:

- Clarify what is meant by 'central ridge or peak'. Amend the diagram to show that a central ridge can be located anywhere within the central half of the building.
- Exclude skylights, solar panels and solar hot water systems from the definition of height.

Officers agree with these suggestions, on the basis that they are consistent with the original intent of the controls, and will help plan users to interpret the provisions.

Submission 56 notes that standard 5.6.2.5.2 is a duplication of the information contained in standards 5.6.2.5.1 and should be deleted. Officers do not agree and note that standard 5.6.2.5.2 is required in order to ensure that buildings in the Hazard (Fault Line) Area do not exceed 8 metres in height.

Submission 26 supports the existing rule that allows the height of a sloping roof to be increased by a metre, and requests that it be extended to enable even steeper roofs (over 22 degrees pitch) to exceed the height standard by up to three metres. Officers do not support this proposal. The one metre bonus was intended to facilitate traditional pitch roofs and recognises that the effects on neighbouring properties is somewhat mitigated by a roof line that drops away towards the boundary of the site. Officers consider that in most situations a steeper roof pitch would not fully mitigate the effects of the additional three metres of building height, and note that the proposed rule would incentivise steeper, uncharacteristic roof pitches.

Recommendation

- **Accept** submissions 55 & 56 insofar as they seek clarification as to what constitutes a central ridge
- **Accept** submissions 55 & 56 insofar as they request that solar panels, solar hot water systems and skylights be exempt from building height
- **Reject** submission 56 insofar as seeks the deletion of standard 5.6.2.5.2
- **Reject** submission 26 insofar as it requests an additional 3 metre exemption for roofs with a pitch of 22 degrees or more

4.18.2 Building recession planes

Specific issues raised in submissions include:

- Submission opposes building recession planes. Amend rules to state that building

- Amend the building recession plane policies to state that owners are encouraged to arrange their dwellings to receive sunlight from the adjoining public domain and their rear yards. Do not apply sunlight protection along side boundaries. **(submission 28)**
- Remove building recession planes to allow the efficient use of land and the development of 2-3 storey houses. **(submission 9)**
- The current building recession planes are too rigid. In terms of sunlight rules the effect on neighbouring properties needs to be determined on a case by case basis. **(submission 22)**
- Amend the definition of 'building recession plane' to clarify that the planes manage building height in relation to the ground level and boundaries of the site. **(submission 56)**
- Substitute the word 'true' for the word 'compass' in standard 5.6.2.8.2 relating to building recession planes. **(submission 3)**
- Amend the wording of the building recession plane standard to refer to 'true north' rather than a compass. **(submission 52)**
- Amend standard 5.6.2.8.5 to remove the reference to 'sunlight access plane' and to provide a more robust description for how measure planes at an obtuse angle along a site boundary. **(submission 56)**
- Amend the wording of the building recession plane standard text in rule 5.6.2.8.5 so that it correctly matches the diagrams shown, particularly in regard to situations where planes at different angles extend into a site. **(submission 52)**
- Replace the reference to sunlight access plane in standard 5.6.2.8.5 with building recession plane. **(submission 52)**
- Amend rule 5.6.2.8.8 to clarify that building recession planes apply to properties on both sides of the boundary between the Oriental Bay Height Area and the adjacent Inner Residential Area. **(submission 75)**
- Building recession planes should be renamed Building and Sunlight Recession Planes to better reflect the matters that planes are intended to manage. **(submission 13)**
- Amend standard 5.6.2.8.1 to clarify what additional features including solar hot water systems are exempt from the recession plane standards. **(submission 56)**

Discussion

Building recession planes are a tool used in the district plan to help manage the impact of new building works on adjoining properties. Essentially the planes regulate the height of building work in relation to the ground level at the boundary of the site.

Submission 9 requests that Council dispense with recession planes to allow more efficient development of land. **Submission 28** requests that the standards relating to recession planes be amended to allow buildings to be built up close to side boundaries, sourcing their amenity from the front and rear elevations. This would more closely reflect the existing built form in many of Wellington's older suburbs where houses are generally oriented to face the street and located towards the front of the site. Side yards are often very small, with less than a metre separating houses on adjacent sites. Heights are

generally one or two storeys. The submitter considers that the planning rules should be amended to allow new development to replicate these patterns.

Conversely, **submission 22** considers that the building recession plane controls are too rigid to adequately manage effects on neighbouring properties. The submission considers that effects should be assessed on a case by case basis.

Officers agree that there is a tension in the plan between promoting development that compliments existing character and providing suitable levels of protection for adjoining properties. Under the current bulk and location provisions in the District Plan it is difficult, if not impossible, to build a structure that replicates the existing built characteristic in many of the city's older suburbs. In particular, the sunlight access planes restrict development close to side boundaries, requiring a second storey to be located towards the centre of the site.

The options put forward in **submission 9** are not favoured for a number of reasons. The revised sunlight access planes dramatically increase the potential building bulk close to the side boundary of a site. This could have significant impacts on sunlight, daylight and privacy for adjoining neighbours. While owners of 'tightly packed' character villas generally accept this development pattern as the existing status quo, property owners that currently enjoy unobstructed side boundaries are unlikely to be willing to forego on site amenity for the sake of allowing a neighbouring property to be developed according to the residential character of the neighbourhood.

To minimise the adverse impact on neighbouring properties of taller buildings built close to the boundary, it is considered that permitted buildings would need to be restricted to the portion of the site in line with the front and rear walls of adjoining houses. This restriction would be difficult to implement, particularly in areas where the predominant patterns of development had already been altered through subdivision or infilling. It would also significantly reduce the flexibility in building location provided by the current plan provisions. While acknowledging that the building recession plane provisions are not perfect, Officers do not consider that it is practical to waive the provisions in part or in full as suggested by **submissions 9 and 28**.

In response to submission 22's concerns that the current controls are too rigid, Officers agree that Wellington's varied topography and lot patterns presents challenges for developing planning controls that work well in every situation. However Officers consider that the current recession planes strike an appropriate balance between protecting neighbours amenity, while also providing property owners with a reasonable degree of certainty regarding the scale of works that can be undertaken on their site as of right.

Submission 56 requests that the definition of 'building recession planes' be amended to note that the planes manage building height in relation to the ground level at the boundaries of the site. This submission is supported as this is an accurate articulation of the role of the planes.

Submission 3 and 52 request that the wording of the building recession plane standards be amended to refer to 'true north' rather than a compass. **Further submission 8** supports these submissions. Officers agree that this change should be made to improve the accuracy of the statement.

Submissions 52 and 56 request that the reference to sunlight access plane in standard 5.6.2.8.5 be replaced with building recession plane. These submissions should be accepted as DPC 72 no longer uses the term sunlight access plane. These submissions also request that the plan provide a more accurate and robust description for how to measure planes at an obtuse angle along a site boundary. For the sake of clarity this submission is supported, and amended wording is shown below:

5.6.2.8.5 Where two boundaries of a site have an angle between them that is greater than 180⁰ (meaning the ~~sunlight access~~ building recession planes cannot be inclined at right angles

in plan from the boundaries to all the areas adjoining the boundaries), a ~~sunlight access control~~ an intermediary building recession plane shall be inclined to cover the whole area between the two closest positions where lines can be drawn at right angles to the boundaries using the edges of the two adjoining building recession planes to determine the direction and slope of the intermediary recession plane. ~~Where the two boundaries are in different bearing sectors the owner of the site may use either of the two sector inclinations for the area between the boundaries.~~

Submission 56 requests that the standard 5.6.2.8.1 be clarified regarding which additional features, including solar hot water systems, are exempt from the recession plane standards. Officers agree that the existing exemption for solar panels should be extended to cover solar hot water systems. It is also proposed to include skylights within the exemption to be consistent with the exemptions included in the definition of building height.

Submission 75 requests that rule 5.6.2.8.8 be amended to clarify that building recession planes apply to properties on both sides of the boundary between the Oriental Bay Height Area and the adjacent Inner Residential Area. This submission should be accepted on the basis that it is consistent with the intended application of the standard.

DPC 72 proposed the new term 'building recession planes' as a means to counter arguments that 'sunlight access planes' were only intended to manage access to direct sunlight. **Submission 13** requests that building recession planes be renamed 'Building and Sunlight Recession Planes' to better reflect the matters that planes are intended to manage. While Officers can appreciate concerns that access to sunlight has been devalued, they do feel that the proposed wording is some thing of a mouthful. The fourth paragraph in the explanation to policy 4.2.4.1 explains that building recession planes are intended to manage access to sunlight, and Officers consider that this is sufficient to ensure that access to sunlight is always considered when assessing applications to breach the recession plane standards.

Recommendation

- **Reject** submissions 9 and 28 insofar as they seek the deletion, or targeted application, of building recession planes
- **Reject** submission 22 insofar as it requests that building recession planes be removed in favour of site specific analysis of effects.
- **Accept** submission 56 insofar as requests that the definition refer to buildings relationship to ground level at the boundaries of the site.
- **Accept** submissions 3 and 56 insofar as they request that the standard refer to true north.
- **Accept** submissions 52 and 56 insofar as they request the removal of the reference to 'sunlight access plane' in standard 5.6.2.8.5.
- **Accept** submissions 52 and 56 insofar as they request a more accurate explanation as to the application of recession planes.
- **Accept** submission 56 insofar as requests exemption of solar water heating apparatus and skylights.
- **Accept/reject** submission 75 insofar as it seeks clarification as to the application of recession planes along the boundary of the Oriental Bay Height Area.
- **Reject** submission 13 insofar as it requests the building recession planes be renamed.

4.18.3 Yards

Specific issues raised in submissions include:

- Supports the side and rear yard requirements, particularly the amended provisions relating to elevated decks. **(submission 71)**
- Supports clarification of rules relating to decks within side yards. **(submission 56)**

Discussion

Submitters 56 and 71 support the amendments made in DPC 72 to clarify the yard and deck provisions. This support should be accepted.

Recommendation

- **Accept** submissions 56 and 71 insofar as they support the amendments to the deck and yard provisions.

4.18.4 Access ways, yards and building recession planes

Specific issues raised in submissions include:

- Oppose the removal of the clause that allows yards and recession planes to be measured from the far side of an access strip or access lot. Requests that the standards be amended to allow yards and recession planes to be calculated from the far side of a 'right of way'. **(submission 71)**
- Amend standard 5.6.2.8.6 to allow building recession planes to be taken from the far side of an area of land legally encumbered for access. **(submission 55)**
- Amend standard 5.6.2.8.6 to allow building recession planes to be measured from the far side of an access lot or access strip. **(submission 56)**
- Amend the provisions in rules 5.2.2.8 and 5.6.2.8.6 to allow building recession planes and decks to be measured from the far side of an adjacent access strip or access lot. **(submission 52)**
- Amend rule 5.1.3.5 to reinstate the ability to calculate building recession planes from the far side of an access lot or access strip. **(submission 26)**
- Amend standard 5.6.2.2.8 to allow yards to be taken from the far side of an area of land legally encumbered for access. **(submission 55)**
- Reinstate the ability to measure yards from the furthest boundary of any 'access lot or access strip'. **(submission 56)**
- Amend rule 5.1.3.2.5A to reinstate the ability to measure yards from the far side of an access lot or access strip. **(submission 26)**
- Amend the definition of 'access strip' to include land legally encumbered for access, or land up to 3 metres wide that is used for access. **(submission 56)**

Discussion

Within the operative District Plan, there is a clause that allows recession planes and yards to be measured from the far side of an adjacent access strip or access lot. This provisions, which was added by way of DPC 6, was intended to provide flexibility in how sites are developed, and assumes that the effects generated by the additional building bulk would be mitigated by the presence of the adjacent driveway or access way.

Under the operative plan, access lot and access strip are defined as:

ACCESS LOT: means any separate lot used primarily for access to a lot or to lots having no legal frontage.

[However, if that area of land is:

- 5m or more wide, and
- not legally encumbered to prevent the construction of buildings,

it is excluded from the definition of access lot.]^{PC6}

ACCESS STRIP: means [an access leg or]^{PC6} an area of land [defined by a legal instrument, providing or intended to provide access to a site or sites, or [within the above meaning, an area of land is an access strip if:

- it is less than 5m wide, or
- it is 5m or more in width and is encumbered by a legal instrument, such as a right-of-way, that prevents the construction of buildings.]^{PC56}

In 2008 Council was involved in a judicial review for an elevated deck proposed to be built up to an adjacent property utilising the yard exemption. In its decision the High Court expressed concerns regarding these rules, in particular the vague wording of the above definitions around whether the land was 'used, or intended to be used' to provide access. The Court's decision also questioned the appropriateness of allowing buildings and structures to be built closer to a neighbouring property, in situation when there is no legal encumbrance preventing the neighbouring property also being built on.

Following the Court's comments Officers reviewed the appropriateness of the exemptions installed by DPC 6, and identified three key issues that required attention:

- The inappropriate discretion contained in the definitions of access lot and access strip
- The ability to build closer to boundaries when the neighbouring land is not legally encumbered and could also be built on.
- Given the variations in topography around Wellington, and the myriad of different access configurations already existing around the city, Officers could not say with confidence that the potential adverse effects of larger buildings built closer to the boundary (shading and loss of privacy) would always be limited to the area of land set aside for access.

In response to the first issue DPC 72 amended the definitions of access lot and access trip to clarify that the land in question must be used for access.

Issues 2 and 3 are more difficult to resolve, and Officers considered that this raised doubts as to the appropriateness of the exemption provided in the plan.

In response DPC 72 removed the ability to measure yards and recession planes from the far side of access lots and access strips, as of right. Instead the potential affects of a breach of the recession planes would be considered as a discretionary activity (restricted), with the ability to take into account the mitigating effect of an adjacent access way.

Submissions 26, 52, 55, and 56 oppose the change to the existing rules and request that the previous regime be re-instated. **Submission 71** suggests amending the standard so that building recession planes can be measured from the far side of a 'right of way'. **Submission 56** suggests retaining the exemption in the operative plan in conjunction with an amendment to the definition of access strip. The definition would be amended so that it applies only to an access leg of up to 3 metres in width, on the basis that a strip of land less than 3 metres wide is unlikely to be built upon.

Further submissions 1 and 2 support the reinstatement of the ability to measure recession planes and yards from the far side of an accessway.

Further submission 7 opposes the above submissions and supports the removal of the exemption for recession planes. The further submission provides evidence of a situation where the exemption facilitated a neighbouring property to build significantly closer to the boundary, impacting on the amenities of the property located to the rear of the right of way.

As noted above Officers agree that the exemptions contained in the operative plan provide a valuable degree of flexibility when redeveloping or extending properties in Wellington. However Officers retain concerns that at times this flexibility has caused

significant shading of, or a loss of privacy for neighbouring properties as a result of the construction of larger buildings, built closer to site boundaries.

Officers would support the retention of some form of exemption if it could be demonstrated that issues 2 and 3 above can be adequately resolved. Officers note that issue 2 could be resolved by only applying the exemption along accessways that are legally encumbered for access, but consider that none of the options suggested in submissions adequately address issue 3.

For that reason Officers recommend retaining the provisions of DPC 72 and assessing the impact of recession plane and yard breaches through the resource consent process.

Recommendation

- **Reject** submissions 26, 52, 55, 56 and 71 insofar as they request reinstatement of the exemption for building works adjacent to an access lot or strip.

4.18.5 Ground level

Specific issues raised in submissions include:

- Delete the proposed definition of ground level for measuring building height, and retain the existing definition. (**submission 55**)
- Amend the definition of ground level for measuring building height, to more accurately provide for assessed ground levels underneath existing buildings. (**submission 56**)
- Amend the definition of ground level for measuring building height to ensure that the definition accurately reflects Council's intentions and uses terms that are mathematically correct. (**submission 52**)
- Amend the definition of ground level for building recession planes so that it is clear, unambiguous and that the listed exceptions cover all eventualities. (**submission 52**)
- Delete the proposed definition of ground level for measuring recession planes. Retain the existing definition with amendments to allow consideration of situations where earthworks have altered the ground level at the boundary. (**submission 55**)
- Amend the definition of ground level for measuring building recession planes to provide for 'assessed ground levels' where earthworks have been undertaken at the edge of a site. (**submission 56**)
- Amend the definition of ground level to allow for the use of an assessed ground level where earthworks have been carried out on the boundary. (**submission 3**)

Discussion

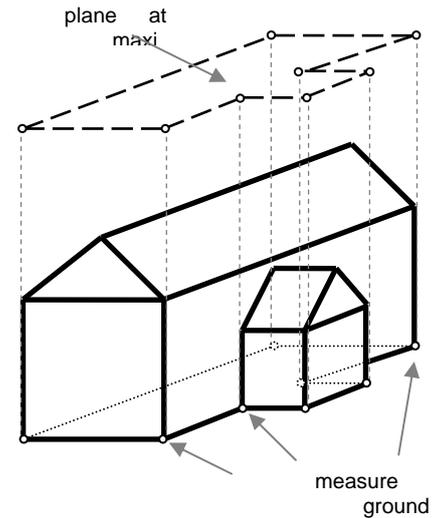
DPC 72 amended the definitions for ground level that are used to measure building height and to measure building recession planes. The definitions were amended on the basis that the existing definitions were overly complex and difficult for users of the plan to interpret.

The definition for measuring building height was amended by removing the tool used to measure 'assessed ground level'. The new definition reads as follows:

GROUND LEVEL FOR THE PURPOSE OF MEASURING BUILDING HEIGHT:

means the existing ground level directly below the portion of building being measured. When measuring ground level under an existing building (for the purposes of calculating maximum height), the ground level will be taken as either:

- the existing ground level where this can be ascertained; or
- where the existing ground level cannot be ascertained, an assessed ground level will be used to measure maximum height. Maximum building height will be calculated by measuring ground level at various points along the outside edge of the existing building and projecting these vertically to the maximum permitted building height applying to the site. The maximum height will then be defined by linking these points together to form a horizontal plane across the existing building. There is no maximum number of points that may be used to define the height plane, but as a minimum the calculation must include one point at every corner of the existing house.



The new definition is considered to be an improvement in that it relies on assessed ground level when this can be ascertained. When it cannot be ascertained, maximum building height is extrapolated using the existing ground level at the outside edge of the building. **Submissions 52, 55, and 56** seek retention of the existing definition on the basis that the proposed definition is inaccurate and mathematically flawed. The concerns raised in the submissions appear to be generated principally from the use of the phrase 'horizontal plane'. The submitters note that on a sloping site the building envelope must follow the slope of the land and therefore cannot fit a true horizontal plane. Officers agree with the submitters, but consider that this issue can be resolved by amending the wording of the definition contained in DPC 72 as follows:

where the existing ground level cannot be ascertained, an assessed ground level will be used to measure maximum height. Maximum building height will be calculated by measuring ground level at various points along the outside edge of the existing building and projecting these vertically to the maximum permitted building height applying to the site. The maximum height will then be defined by linking these points together to form a horizontal plane that follows the slope of the ground across the existing building. There is no maximum number of points that may be used to define the height plane, but as a minimum the calculation must include one point at every corner of the existing house.

As part of DPC 72 the definition of ground level for measuring recession planes was amended to refer to existing ground level, except in a situation where a retaining wall has been constructed within two metres of a boundary. DPC 72 deleted a clause from the definition in the operative plan that plan allows for an assessed ground level to be taken at the boundary, in the event that un-consented earthworks have resulted in a change in the ground level at the boundary of a site. This provision was inserted as part of DPC 6 to help ensure that properties are not disadvantaged by un-consented earthworks, or when earth movement occurring at the boundary of a site.

While well intentioned this aspect of the definition has proven cumbersome and expensive to administer, and at times it has been very difficult to agree the extent to which the ground level has been modified and therefore where the assessed ground level should be taken from.

Submissions 3, 52, 55 and 56 oppose the proposed definition. **Submission 55 and 56** request that Council retain the definition from the operative plan with modifications. In particular they request that Council retain the ability to calculate an assessed ground

level in situations where un-consented earthworks that have been undertaken since the Council last update of aerial photography. The submission argues that the aerial photography could then be used to help determine the degree to which ground level has been altered. **Submission 3** is concerned that the proposed definition does not provide for situation where there has been land slippage at the boundary as a result of earthworks undertaken on a neighbouring site.

In response Officers note that using aerial photography to help assess earthwork would only work in situation where the ground level on the boundary is clearly visible, and would not work in situations where the ground level is obscured by buildings or vegetation.

Officers also note the DPC 70 put in place controls on permitted earthworks that require that they remain their own height away from any site boundary. This provision will help to ensure that non-consented earthworks do not result in changes to ground level at the site boundary. If illegal earthworks are undertaken, or slippage occurs as a result of earthworks then this is a civil matter best resolved between the land-owners concerned.

On balance Officers consider that the simplified definition contained in DPC 72 should be retained.

Recommendation

- **Accept in part** submissions 52, 55 and 56 insofar as it is proposed to amend the definition ground level for measuring building height.
- **Reject** submission 3, 52, 55, and 56 insofar as they seek amendments to the definition of ground level for measuring recession planes

4.18.6 Site coverage

Specific issues raised in submissions include:

- Amend the definition of site coverage to exclude from site coverage any undercroft car parking structures where the roof of the undercroft has been developed as an outdoor terrace or landscape garden. (**submission 43**)
- Include a site coverage rule that measures site coverage in terms of hard (buildings and paving) and soft (green) surfaces. It should also include criteria to assess the visual effects of increased areas of hard paving. (**submission 61**)
- Place limits on the amount of 'hard structural surfaces' that can be developed on a site. (**submission 364**)
- Amend standard 5.6.2.4.1 to clarify that additional site coverage is available for uncovered decks over 1 metre in height in the Outer Residential Area. (**submission 56**)

Discussion

DPC 72 carried over the site coverage provisions from the operative District Plan without significant alteration.

Submission 56 requests the standard 5.6.2.4.1 be amended to clarify that site coverage can be increased to 40% in Outer Residential Areas if the additional coverage is made up of uncovered decks over 1 metre in height (uncovered decks under 1 metre in height are not counted as site coverage). Officers agree that this is the intent of the rule and the standard should be amended.

Submission 61 seeks a refinement of the site coverage controls to specify standards for the amount of hard and soft surfaces provided on site to help retain the visual character of different parts of the city. While Officers have some sympathy for the matters raised by the submission, Officers consider that the proposed approach would be problematic to develop and implement. To confirm the existing coverage levels for different

neighbourhoods would require a detailed street by street analysis. In many areas the existing character is determined not so much by the amount of open space, but by where that open space sits in relation to the building on site. Encapsulating this subtlety into any district plan standard would be very difficult.

Officers consider that the concerns raised in **submission 61** tend to be associated with infill and multi-unit development, rather than single houses on sites. Officers consider that the current site coverage controls work well for single household units on a site. They also agree that in the past some multi-units have resulted in development patterns that are at odd-s with the character of the surrounding area. In this regard Officers note that following DPC 56 Council now has much greater scope to consider the impact of new multi-units on neighbourhood character, including patterns of open space and site landscaping. DPC 56 has only been operative for approximately nine months, and Officers consider that it should be given time to 'bed in' before additional controls are proposed.

On a related matter **submission 364** requests that Council place limits on the degree of hard surfacing that can be developed on residential sites as a means of reducing volume of stormwater run-off and improving quality of water entering waterways. Officers considered this during the preparation of DPC72, but were unable to identify any background research that could be used to develop standards appropriate for Wellington's topography and geology. In absence of this background research Officers considered that it would be difficult to defend any new standards regarding hardsurfacing.

Submission 43 requests confirmation that the final bullet point of the definition of site coverage would exclude undercroft parking from calculations of site coverage, if the roof of the structure contains a terrace or roof garden. The bullet point reads as follows:

- any part of a building or structure where the walls (of that part) are located below the surface of the ground, provided that the roof (of that part) does not project above the finished ground at the completion of the building or structure.

Officers note that the purpose of the bullet point was to exempt any part of a building or structure that is located underground and therefore does not contribute to the 'visual bulk' of the development. Officers consider that a development proposal that includes undercroft car parking would be covered by the final bullet point if the area above the undercroft had the appearance of 'finished ground level'.

Recommendation

- **Accept** submission 56 insofar as it requests amendments to the site coverage standard for Outer Residential Areas
- **Reject** submission 61 insofar as request new controls to regarding the amount of hard and soft surfacing developed on sites.
- **Reject** submission 364 insofar as request additional controls on the amount of hard surfacing that can be developed on site
- **Accept** submission 43 insofar as request clarification of the final bullet point in the definition of site coverage.

4.18.7 Car parking and site access

Specific issues raised in submissions include:

- Support the move to use NZ Standard 2890.1 - 2004 to manage parking and site access. (**submission 55**)
- Support the use of NZ Standard 2890.1 to manage site access, but oppose the

maximum width of vehicle access in Areas of Change of 3.7 metres. This should be increased to 6 metres. Also consider reducing the sightline distance requirements to better reflect Wellington's hilly topography. (**submission 56**)

- Support the use of NZ Standard 2890.1 to manage car parking, but oppose the use of a cut-off date in the standard that permits the conversion of existing Inner Residential buildings into two units without requiring off-street car parks. (**submission 56**)
- Amend standard 5.6.1.4.3 to note that if a site has multiple frontages, one of which is a state highway, no access may be formed on the state highway frontage. (**submission 57**)
- Delete the requirement for all new buildings to provide off-street carparks, and add standards requiring non-residential buildings to have cycle racks. (**submission 59**)
- Remove the mandatory requirement to provide off-street car parking as part of new residential developments. (**submissions 9, 24 & 58**)
- Place less focus on the provision of car-parking, and instead focus on and prioritise accessibility to public transport and alternate modes of transport. (**submission 364**)
- Amend policy 4.2.12.4 regarding parking and site access, to recognise that travel demand management can be effective in reducing reliance on private car use and hence the demand for off-street car parking. (**submission 59**)

Discussion

While DPC 72 did not alter the requirement to provide car-parking and site access, it did include a new provision whereby parking and site access facilities are managed using NZ Standard 2890.1 – 2004. This change is supported by **submission 55 and 56**, although **submission 56** request that Council consider more lenient site line requirements to better reflect Wellington's hilly topography.

While Officers acknowledge that the topography of Wellington can sometimes present a design challenge in achieving the proposed standards for pedestrian splays and sight distances, they do not consider that the plan should adopt a separate "Wellington" standard. The recommended distances are to ensure that a driver has enough time to react to a hazard and enough distance to stop before a collision. The standards are to ensure the vehicle driveways do not impose an unnecessary hazard on our roads for either pedestrians or vehicle occupants. Officers consider that the safety standards applied in Wellington should not be compromised and should be at least as good as the adopted New Zealand Standard.

The proposed standard for sight distance uses a measurement of 2.5m back from the road frontage as this represents a typical driver position before they start to edge out onto the carriageway. With a lesser distance the front of the vehicle would frequently protrude onto the road before the driver achieves sufficient sight of an approaching vehicle. The same standard applies to the provision of pedestrian splays.

Officers also note that the measurement of 2.5m back from the boundary is a significant reduction from the current District Plan standard of 5m for pedestrian splays which itself reflected an earlier version of AS 2890.1.

In summary Officers consider the current AS/NZS 2890.1 represents best practice for sightline distances and pedestrian splays and is wholly appropriate for application in Wellington.

Submission 56 opposes they cut-off date applying to the standard that allows Inner Residential building to be converted into two units without requiring off-street car-parking. The submission considers that the effects are the same irrespective of the age of

the building. This exemption was put in place by Council as part of DPC 39, in recognition that the creation of off-street car parking spaces in Wellington's inner city suburbs often comes at the expense of streetscape character. The exemption was also included to help encourage the adaptive re-use of the pre-1930 buildings that help create the unique sense of place in Wellington's inner city suburbs. Officers consider that if no cut-off date was used, this clause would create a potential loop hole that would allow future developments to avoid full compliance with the car parking standard. This was not the intention of the rule, and Officers consider that the cut-off date should be retained.

Submission 57 requests that standard 5.6.1.4.3 be amended to note that if a site has multiple frontages, one of which is a state highway, no access may be formed on the state highway frontage. This amendment is practical and consistent with the intent of the existing provision so should be accepted.

Submission 9, 24, 58 and 59 request that Council dispense with mandatory car parking requirements for new developments in order to promote uptake of alternative modes of transport. **Further submission 9** opposes submissions 24 and 58 if the removal of the carparking standard could adversely impact on the function of the road hierarchy. While Officers consider that car-free living is an admirable goal, it is only practical in certain locations and in reality car ownership rates are increasing and some properties will always be difficult to service with public transport and other transport modes. Until such time as trends in car ownership change it is considered appropriate to require off-street car-parking in association with new units in residential areas. Officers note that Council regularly grants dispensations from the car-parking requirement, in situations where it can be demonstrated that this will not cause unreasonable pressure for on-street car-parking in the surrounding area.

Submissions 364 and 59 seek that the plan place less emphasis on car-parking, and instead focus on provision of effective public transport and alternate modes of transport. **Submission 59** seeks amendments to policy 4.2.12.4 to reflect this. Officers agree that an assessment matter could be included in this policy to allow for consideration of travel plans, public transport and other alternate modes of transport.

Recommendation

- **Accept** submission 55 and 56 insofar as they support the use of NZ Standard 2890.1 - 2004
- **Reject** submission 56 insofar as it requests more lenient sight lines to accommodate Wellingtons varied topography.
- **Reject** submission 56 insofar as it request the deletion of the cut-off date from standard 5.6.1.3
- **Accept** submission 57 insofar as it request the reference be made to state highways in standard 5.6.1.4.3
- **Reject** submissions 9, 24, 58 and 59 insofar as they request the removal of mandatory car parking requirements
- **Accept** submissions 364 and 59 insofar as they seek greater recognition of public transport and alternate modes of transport.

4.18.8 Open space

Submissions

Specific issues raised in submissions include:

- Opposes the inclusion of a cut off date in standard 5.6.2.3.2. (**submission 56**)
- Amend standards 5.6.2.3.4 and 5 to clarify that the standard apply to only ground level open space. (**submission 56**)

- Amend standard 5.6.2.3.3 to note that up to 15 square metres of the required 50 square metres of ground level open space may be used for non open space activities when on-site parking is provided in a basement or undercroft. (**submission 43**)
- Provide definitions for 'green open space', amenity open space', 'open space' and 'open land'. (**submission 61**)
- Include objective planning criteria in the District Plan and design guides to determine which developments have densities suitable for different residential zones. (**submission 61**)

Discussion

DPC 72 contains requirements for two different types of open space. The first is 'ground level open space' which is provided per unit and is intended to help manage the density of new infill and multi-unit development, and also ensure that such developments contain sufficient open space to help integrate them with the surrounding neighbourhood. Ground level open space is specified as a standard.

The second type of open space is 'amenity open space'. This is the open space provided for the amenity of the occupants of each unit. This space may be provided at ground level, or as an elevated deck or balcony. The size and quality of amenity open space is managed using the residential design guide, and can be applied with a degree of flexibility to reflect the nature and scale of each unit.

Submission 56 opposes the cut-off date applying to standard 5.6.2.3.2 that allows existing building to be converted in to two units without the requirement to provide ground level open space. This exemption is intended to provide for the flexible use of existing building stock, especially in the Inner Residential Area. Officers consider that if no cut-off date is used, this clause would create a potential loop hole that would allow future developments to avoid full compliance with the ground level open space standard. This was not the intention of the rule, and Officers consider that the cut-off date should be retained.

Submission 56 also requests that standards 5.6.2.3.4 and 5.6.2.3.5 be amended to clarify that they only apply to ground level open space. Officers support this amendment on the basis that it will help clarify the intent of the standards.

Submission 43 requests that standard 5.6.2.3.3 be amended to allow up to 15 square metres of the required 50 square metres of ground level open space to be used for non open space activities when on-site parking is provided in a basement or undercroft. Officers are generally comfortable with this suggestion. If parking is provided in a basement or undercroft then there will be less site devoted to driveways and vehicle manoeuvring, and more land available for landscaping. In this instance it seems appropriate that a portion of the ground level open space (15 square metres) could be utilised for non open space purposes without compromising the intent of the standard.

Submission 61 request that definitions be included for 'green open space', amenity open space', 'open space' and 'open land'. Officers consider that these definitions are not required as these terms are not used in the plan. However officer agree that the plan should contain a definition of amenity open space to clarify that this open space is intended to provide for the amenity of occupants, rather than to help manage density and character which is the role of 'ground level open space'. Officers also consider that the terminology used in the Residential Design Guide should also be amended to clarify that the guidelines contained in section 4 are referring to 'amenity open space'.

Submission 61 is concerned that that the current planning controls regarding open space are too blunt. Using site coverage in conjunction with an open space requirement per unit does not necessarily deliver sufficient open space to ensure that a development is integrated into the surrounding area. The submission seeks the inclusion into the District Plan of objective planning criteria to determine the density of development that is

appropriate for different residential zones i.e. site area per unit, site area per bedroom or floor area ratios.

Officers acknowledge that some multi-units developed in Wellington over the past decade have resulted in development patterns that are at odd-s with the character of the surrounding area. However it is not considered that moving to a more objective planning control to manage density is necessarily the answer. The previous Wellington District Scheme contained requirements for site area per unit, and these were removed because of concerns that developments ere being designed to meet arbitrary site area standards. At times the result was developments that failed to compliment surrounding development patterns and made inefficient use of the land.

Officers consider that there is much merit in pursuing the current approach of assessing new multi-unit developments against the Residential Design Guide, which places a strong emphasis on relationship to context. Officers note that as a result of DPC 56 Council is no longer constrained by 'permitted baseline' scenarios, and now has much greater scope to consider the impact of new multi-units on neighbourhood character, including patterns of open space and site landscaping. DPC 56 has only been operative for approximately nine months, and Officers consider that it should be given time to 'bed in' before additional controls are proposed.

Recommendation

- **Reject** submission 56 insofar as it requests deletion of the cut-off date from standard 5.6.2.3.2
- **Accept** submission 56 insofar as it requests amendments to standards 5.6.2.3.4 and 5.6.2.3.5
- **Accept** submission 43 insofar as it requests amendments to the open space requirements for developments that provide parking in a basement or undercroft
- **Accept in part** submission 61 insofar as it requests additional definitions for different types of open space
- **Reject** submission 61 insofar as it request new standards to provide more objective measurement of development density

4.18.9 Signs

Submissions

Specific issues raised in submissions include:

- Amend standards 5.6.3.1, 5.6.3.2 and 5.6.3.3 regarding signs to limit any signs facing a state highway to displaying a maximum of eight words or 40 characters. (**submission 57**)
- Amend policy 4.2.14.1 regarding signage to include a statement that signs that are directed towards SH1 will be discouraged. (**submission 57**)
- Amend rule 5.3.11 to require consultation with NZTA for any sign that will be visible from the state highway network. (**submission 57**)

Discussion

The Residential chapter makes limited provision for signs. Signs for residential sites are limited to 0.5 sq.m, while signs for non-residential activities are limited to 5 sq.m. All of these signs may only display the name, character or purpose of a permitted activity on the site.

Submission 57 requests that the sign standards be amended to limit any sign facing a state highway to displaying a maximum of eight words or 40 characters.

Submission 57 also requests that policy 4.2.14.1 be amended to discourage signs that are directed towards a state highway, and that rule 5.3.11 be amended to make NZTA an affected party if a sign is clearly visible from the state highway. **Further submission 9** seeks partial amendments to the non-notification clause sought by submission 57.

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

Recommendation

- **Accept** submission 57 insofar as requests amendments to ensure that signs do not adversely impact on the state highway network.

4.19 Residential definitions

Specific issues raised in submissions include:

- Definitions should be written in plane English (**submission 13**)
- Amend the definition of 'building site' to clarify that the slope can be measured at any orientation, and that the relevant height limit applies to the entire building on site. (**submission 55**)
- Add a diagram to the definition of 'building site' to clarify how to measure the 'longest slope' of the site. (**submission 56**)

Discussion

Submission 13 requests that definitions in the plan be written in plane English. Officers endeavour to write definitions in plain English that are easy to understand. However sometimes this is not possible due to the technical nature of the subject matter, and the need for definitions to be as clear, accurate and unambiguous as possible.

Submissions 55 and 56 request amendments to the definition of 'building site' to clarify how to measure the longest slope of the site. **Submission 55** suggests altering the definition to note that the longest slope can be measured at any orientation, and that the relevant height limit applies to the entire building on site. Officers support these amendments on the grounds that they are consistent with the intent of the original provision and will help users to interpret the plan. Officers request that submitter 55 provide a copy of the images used in the definition in electronic form so that it can be included in the plan.

Recommendation

- **Note** submission 13 insofar as it request that definitions be written in plane English
- **Accept** submissions 55 and 56 insofar as requests amendment to the definition of 'building site'

4.20 Residential rules

4.20.1 Rule 5.1.7 – Permitted buildings

Specific issues raised in submissions include:

- Support proposed rule 5.1.7. (**submission 30**)
- Amend rule 5.1.7 so that it is clear when two units can be built on a site and when they cannot. (**submission 55**)
- Delete the first bullet point of Rule 5.1.7 regarding works to a building with existing

non-compliances, and add a margin note to the effect that multi-unit development may apply to a two unit development in some circumstances. (**submission 56**)

Discussion

Rule 5.1.7 details what buildings and structures can be developed as a permitted activity in residential areas.

Submission 30 supports Rule 5.1.7 and this support should be accepted.

Submissions 55 and 56 request that Rule 5.1.7 be amended to clarify how many units may be built on a site in a residential area. Under DPC 72 plan users need to refer to the definition of 'multi-unit development' in order to determine this. Officers agree with submission 56 that a margin note should be added to Rule 5.1.7 to direct users to the definition of multi-unit development.

Submission 56 requests that the first bullet point in Rule 5.1.7 regarding works on a building with an existing non-compliance, be deleted. Officers agree that this bullet point should be deleted. While the bullet point was inserted to direct plan users to Rule 5.1.8, it has the effect of preventing Rule 5.1.8 working as intended. This is because it closes off the opportunity for work on a non-complying building to be considered under rule 5.1.7 (in conjunction with an existing use rights assessment).

Recommendation

- **Accept** submission 30 insofar as it supports Rule 5.1.7
- **Accept** submissions 55 and 56 insofar as they seek clarification as to the number of units that can be built as of right on a site in a residential area
- **Accept** submission 56 insofar as it requests deletion of the first bullet point from Rule 5.1.7

4.20.2 Rule 5.1.8 – Buildings with an existing non-compliance

Specific issues raised in submissions include:

- Delete standard 5.6.2.9.3 regarding new works on buildings with an existing non-compliance. (**submission 55**)
- Submitter neither supports nor opposes rule 5.1.8 regarding works on buildings with existing non-compliance, but questions whether the reference to existing use rights is legally valid. (**submission 56**)

Discussion

Rule 5.1.8 relates to permitted building works on properties that already breach the plan standards for height, recession planes, yards or site coverage. The rule has its genesis in DPC 56, and it was put in place following feedback from landowners and architect working on older, inner city houses. Because these houses are often built up close to side boundaries they often breach existing plan standards, particularly relating to recession planes.

Under the operative plan, any works on a building with an existing non-compliance was required to undertake an existing use rights assessment against section 10 of the RMA. This created significant uncertainty for home owners and architects, as they had no clear guidance as to the scale of work that would be considered to be acceptable.

District Plan Change 56 included a new permitted activity standard to clarify the scope of activities that could be carried out on an existing 'non-complying' building as a Permitted Activity. The rules permit single storey additions (taken to be 4.5 metres high, or 6 metres

on a sloping site) on the grounds that a single storey extension is unlikely to significantly compound the effects generated by the existing structure.

While Rule 5.1.8 is intended to provide a degree of certainty for people wishing to undertake works on a 'non-complying' building, it has been worded in such a way that enables property owners to pursue alternate development options via an existing use rights assessment in conjunction with Rule 5.1.7.

Submission 55 requests that standard 5.6.2.9.3 which limits the height of extensions to buildings that already breach height or recession plane standards be deleted. The submission notes that this standard is inconsistent with the controls for infill housing that would allow two units of up to 8 metres in height to be constructed on a site over 800 square metres in area. Officers disagree and note that standard 5.6.2.9.3 only applies to works on buildings that already breach the height or recession plane standards in the plan. While neighbours may accept the effects generated by a non-compliance because the building is already there, it does not follow that that non-compliance should be disregarded when considering the additional effect of any new building work. On this basis officers recommend that standard 5.6.2.9.3 be retained.

Submission 56 neither supports nor opposes Rule 5.1.8, but questions whether the reference to 'existing use rights' is legally valid. Officers consider that the ability to assess 'existing use rights' is enshrined in section 10 of the RMA, and note that the reference to 'existing use rights' in Rule 5.1.8 is simply provide as an informative to plan users.

Recommendation

- **Reject** submission 55 insofar as it requests the deletion of standards 5.6.2.9.3
- **Note** submission 56 insofar as questions the validity of the reference to existing use rights in Rule 5.1.8

4.20.3 Rule 5.1.9 – Conversion of an existing building into two units

Specific issues raised in submissions include:

- Delete rule 5.1.9 regarding the conversion of existing buildings into two units. The controls on building date and increases in building footprint are flawed. If the rule is retained it should be applied only to certain areas, and the building date and footprint requirements deleted. (**submission 56**)
- Amend policy 4.2.2.1 to note that the conversion of existing household units in two flats may increase the footprint of the existing building by up to 20%. (**submission 55**)
- Amend rule 5.1.9 by removing the cut off date of 27 July 2000, and by removing the deletion of the fourth bullet point limiting increases in the building footprint to 20%. As a consequential change delete the cut of date of 27 July 2000 from the first bullet point in the definition of 'multi-unit development'. Consider deleting rule 5.1.9 and relying on rule 5.1.7 to manage this issue. (**submission 55**)

Discussion

Rule 5.1.9 provides for the conversion of an existing house into two household units as a permitted activity. The rule applies predominantly in the Inner Residential and Area of Change zones where the creation of two household units on a site normally constitutes a multi-unit development. Rule 5.1.9 was put in place to enable the flexible adaptive reuse of existing building stock, particularly in the Inner Residential Area where the existing building stock contributes to the character and sense of place of the wider city.

Submissions 55 and 56 oppose certain aspects of rule 5.1.9, particularly the use of a cut off date within the rule and the restriction on increasing the footprint of the existing building by up to 20%. **Further submission 10** opposes the changes sought by **submission 55**.

The issue of how Council should manage new infill and multi-unit developments around the city is canvassed in detail in section 6.2.2 of this report. In that section Officers recommend a number of changes to the definition of 'multi-unit development'. If those recommendation are accepted, then Officers consider that rule 5.1.9 could be deleted as the key aspects of the rule would be built into the definition. This would help to simplify the rule structure contained in DPC 72, and would go some way to meeting the concerns raised in **submissions 55 and 56**.

However Officers consider that a cut off date should be retained in relation to the ability to convert a building into two units as a permitted activity. If the plan had no cut-off date, the right to convert an existing building into two units could be used by future developments (particularly infill and multi-unit developments) to avoid full compliance with the development standards in the plan, particularly open space and car-parking. Officers recommend retention of the cut off dates of July 2000 because this was the date that the current district plan was made operative and because buildings built before this have been in existence long enough that they are an accepted part of the urban fabric.

Recommendation

- **Accept** submissions 55 and 56 insofar as it is proposed to delete Rule 5.1.9
- **Reject** submissions 55 and 56 insofar as they seek removal of the cut-off date associated with the ability to convert an existing building into two units as a permitted activity.

4.20.4 Rule 5.3.4 – Discretionary (Restricted) building works

Specific issues raised in submissions include:

- Delete the word 'following' from rule 5.3.4 to remove a typographical error and avoid confusion. (**submission 55**)
- Combine assessment matters 5.3.4.8 and 5.3.4.5 to ensure consistent application of the rule. (**submission 55**)
- Amend rule 5.3.4 to provide a non-notification provisions for the consideration of accessory buildings in Inner Residential Areas (**submission 55**)
- Amend rule 5.3.4 to remove typographical errors, to clarify that over height infill units can be dealt with under rule 5.3.4 rather than as a multi-unit development under rule 5.3.7, that the site coverage clause 5.3.4.16 includes uncovered decks over 1 metre in height, and to include a non-notification clause to cover consideration of the height of accessory buildings in front yards in the Inner Residential Area. (**submission 56**)
- Include policies 4.2.8.3 and 4.2.8.4 to the list to be considered for rule 5.3.4. (**submission 361**)
- Remove the expressed approval for the matter of excess 'fixed plant noise' in rule 5.3.4. (**submission 50**)

Discussion

Rule 5.3.4 is the Discretionary Activity (Restricted) rule that is used to consider buildings and structures that breach the bulk and location standards contained in section 5.6.2 of the plan.

Submissions 55 and 56 generally support Rule 5.3.4 but request a number of amendments to it to clarify how it will be applied. These include:

- Deleting the term 'following' from the first sentence of the rule
- Consolidating rule 5.3.4.5 to include consideration of over height 'infill household units' and also additions and alterations to buildings with an existing non-compliance

- Clarifying the rule 5.3.4.16 includes ‘uncovered decks over 1 metre high’
- Amending the non-notification statement to include the height of accessory buildings in the Inner Residential Area

Officers support these amendment on the ground that they either clarify the intent of the current rule, or are necessary to implement recommendations made elsewhere in this report.

Submission 361 requests that policies 4.2.8.3 and 4.2.8.4 be added to the list of relevant policies at the end of rule 5.3.4. This submission is supported on the ground that these policies are likely to be relevant to certain applications assessed under this rule.

Submission 50 requests that the non-notification statement relating to fixed plant noise be removed from Rule 5.3.4. This submission is supported as it would make rule 5.3.4 consistent with how noise effects are treated elsewhere in the Residential chapter.

Recommendation

- **Accept** submissions 55 and 56 insofar as they seek a range of amendments to Rule 5.3.4
- **Accept** submission 361 insofar as they request that policies 4.2.8.3 and 4.2.8.4 be added to the list of relevant policies at the end of rule 5.3.4
- **Accept** submission 50 insofar as it requests the deletion of the non-notification statement covering fixed plant noise in Rule 5.3.4

4.21 Subdivision

Specific issues raised in submissions include:

- Amend rules 5.2.3 and 5.2.4 to clarify how the standards relating to access and earthworks apply to controlled activity subdivisions. (**submission 56**)
- Amend rules 5.3.12 to clarify how the standards relating to access and earthworks apply to discretionary activity subdivisions. (**submission 56**)
- Allow a mix of development by allowing subdivision of smaller blocks under normal residential rules. (**submissions 18, 19, & 20**)
- Amend rules 5.2.3 and 5.2.4 by removing the requirement to comply with standards 5.6.4.4 and 5.6.4.5, and removing the reference to fee simple allotments in rule 5.2.4 (**submission 55**)
- Add an advice note to the general standards for subdivision alerting applicants to the requirements of the Historic Places Act 1993. (**submission 30**)
- Amend the details of information required to be supplied with subdivision consents (in sections 3.2.3.6 and 3.2.3.8.1) to provide greater recognition for archaeological sites. (**submission 30**)
- Retain objectives 4.2.6 and 4.2.6.1 relating to subdivision as notified. (**submission 30**)
- Amend explanation to policy 4.2.6.2 to clarify that new developments in Areas of Change do not have to be compatible with existing surrounding development patterns. (**submission 55**)
- Support rule 5.1.11 which provides for subdivision around existing units. (**submission 56**)
- Submitter opposes the exemption of subdivision involving allotments less than 400 square metres and household units infringing the height standard contained in the non-notification provisions in rule 5.3.12. Amend the non-notification clause to provide for subdivision around an existing or approved household unit. (**submission**

- Amend the subdivision standards to include a requirement for all new subdivisions that include the creation of new legal road to provide fibre optic cable connections to new residential, employment, institutional or commercial lots. (**submission 50**)
- Amend rule 5.47 to include policy 4.2.6.4 in the list of relevant policies to be considered. (**submission 57**)
- Submitter supports the intention to provide for public access to waterways and the coast, but requests that policy 4.2.6.2 be strengthened to emphasise the importance of maintaining and enhancing such access. (**submission 69**)
- Amend the explanation to subdivision policy 4.6.2.6 by replacing the terms 'compatible with the surrounding residential environment' with 'complying with the permitted standards for activities and buildings', by clarifying that proposals do not need to comply with earthworks rule 30.1.1.1 introduced by Plan Change 70, and to fix a typo in the bullet point relating to high voltage transmission lines. (**submission 56**)
- Amend policy 4.2.6.5 to emphasise that greenfield development should be designed to encourage active modes to access public transport networks. (**submission 59**)
- Amend standard 5.6.4.5 to clarify that subdivisions do not have to achieve compliance with proposed earthworks rule 30.1.1.1. (**submission 56**)
- Amend Rule 5.4.7 and Appendix 13 to reflect the current situation around future development in Churton Park. (**submission 64**)

Discussion

Submission 30 supports objective 4.2.6 and policy 4.2.6.1 as notified. This submission should be accepted.

Submissions 18, 19 and 20 request that the plan be amended to allow for the subdivision of smaller blocks under the normal residential rules. Although not stated, it is assumed that the submissions are referring to the AC2 area of the Johnsonville Area of Change which is subject to minimum lot dimensions. The reasoning behind this control is outlined in section 4.4.1, and it is recommended that the new control is contained.

Submission 50 requests that all new subdivision includes provision of legal road be required to provide fibre optic cable connections. This submission is supported as a means of future proofing all new subdivision, and Officers recommend the following amendments to subdivision standard 5.6.4.9 to provide for this.

5.6.4.9 For any subdivision incorporating new roads, all services must be reticulated underground.
All subdivisions incorporating new roads must make provision for fibre optic cable connections to all new residential, employment, institutional or commercial lots.

Submission 57 requests that policy 4.2.6.5 be added to the list of policies to be considered under rule 5.4.7. This policy relates to Greenfield subdivision and should be added to rule 5.4.7 for the sake of completeness.

Submission 30 requests that the subdivision provisions be amended to provide greater recognition for the Historic Places Act 1993, particularly regarding archaeological sites. Officers consider that this would be useful and recommend the following:

- Inclusion of a margin note in section 5.6.4 alerting readers to the need to also check the requirements of the Historic Places Act 1993
- Inclusion of an additional information requirement in section 3.2.3 requiring and assessment of the proposed works to uncover archaeological remains dating pre 1900, and the steps to be taken in the event that such remains are discovered.

Submission 64 supports rule 5.4.7 and the use of Appendix 13 to guide future development in Stebbings Valley. The submission also notes that the Planning Maps will

need to be updated once the final development pattern is confirmed. This submission should be accepted.

Submission 59 requests that policy 4.2.6.5 be amended to clarify that greenfield development should be designed to encourage active modes of transport to access public transport networks. This submission should be accepted on the grounds that the promotion of alternative transport nodes is an important consideration for ensuring the resilience of new development. The following explanation text is recommended for Policy 4.2.6.5:

Greenfield subdivision should facilitate servicing by public transport, and enable residents to access the public transport services by walking and cycling or other active modes of transport.

Submission 69 requests that policy 4.2.6.2 be strengthened to emphasize the importance of maintaining and enhancing access waterways and the coast. At present the policy allows for the taking of esplanade land as part of any subdivision and notes that Council will take land on the coast and fronting the Porirua and Kaiwharawhara Streams (and tributaries). Officers consider that the current wording is consistent with the Councils policy on esplanade land and should be retained.

Submissions 55 and 56 are generally supportive of the subdivision controls but request that Council amend the policies, rules and standards to clarify that Controlled and Discretionary (Restricted) subdivisions do not need to meet the standards for earthworks, site access and car parking

This submission is supported in part. At present the subdivision rules result in any subdivision that can not meet the earthworks, site access and parking standards becoming a Discretionary Activity (Unrestricted). Officers agree that this is unduly onerous given Wellington's topography makes earthworks breaches relatively common. However, Officers do not consider that removing the reference to the earthworks, site access and parking access standards is the most appropriate fix.

If earthworks standards are not attached to the Controlled Activity subdivision then Council would be placed in the situation of having to approve consent for a subdivision knowing that development of the lot(s) would require substantial earthworks that may not be granted land use consent at a later date. Officers consider that there is merit in considering the potential effect of required earthworks at the time of subdivision. However, Officers acknowledge any breaches of the earthworks standards can be adequately considered as a Discretionary Activity (Restricted) so it is recommended that rule 5.3.12 be amended to facilitate this.

In terms of vehicle access and parking Officers note that standard 5.6.4.4 requires that the access and parking is provided at the time of subdivision. This works for subdivisions around established developments, but does not work for the subdivision of empty sections. To resolve this, Officers recommend amending the Controlled Activity rules 5.2.3 – 5.2.4 to note that subdivision must comply with the vehicular access and parking standards or demonstrate the ability to meet the standards. In terms of rule 5.3.12 Officers propose to delete the reference to standard 5.6.4.4 and add "parking" to rule 5.3.12.3. The affect of this will be to enable any breach of the access and parking standards to be considered as a Discretionary Activity (Restricted).

Submission 55 requests the removal of the reference to fee simple allotments in rule 5.2.4. Officers do not support this amendment. While the rule applies to unit title and cross lease subdivision, the reference to existing and proposed fee simple allotments is required to enable Council to consider the potential effects of the subdivision along the boundary of the parent lot, which are shared with neighbouring properties.

Submission 55 and 56 request that Council amend policy 4.2.6.2 by replacing the term "compatible with"(the surrounding residential environment) with "complying with the permitted standards for activities or buildings".

Officers do not support this change. The term “compatible with” was introduced by way of Plan Change 56. It was part of a conscious decision to move the assessment of the effects of new subdivision and development away from strict compliance with relevant standards to allow consideration of the potential impact on the character of the wider neighbourhood. Officers consider that this assessment remains valid and should be retained.

Submission 26 opposes the non-notification statement attached to rule 5.3.12. The statement removes the presumption of non-notification for any subdivision involving a lot (or lots) of less than 400m² that cannot ensure that a household unit can be constructed in accordance with the height standards for infill household units. **Submission 26** is particularly concerned that the wording of this rule could require notification for subdivision around existing buildings that do not meet height standards. Officers consider that the notification statement should be retained. It was also introduced as part of DPC 56 and is an important tool in ensuring that that subdivision is not used as a means to avoid compliance with the height standards for infill units. Officers note that where subdivision involves an existing legally established unit that exceeds the height standards there would be no change in effects on the surrounding environment and therefore there would be no justification for notifying the application.

Submission 55 requests that Council amend explanation to policy 4.2.6.2 to clarify that new developments in Areas of Change do not have to be compatible with existing surrounding development patterns. **Further submission 10** opposes the changes sought by submission 55. Officers consider that there is merit in clarifying that the development type anticipated in Areas of Change is likely to be different to the established neighbourhood patterns. Officers recommend the following amendment to policy 4.2.6.2:

- *Where the subdivision process is used to facilitate a residential infill development within an existing residential area:*
 - *In the Inner and Outer Residential Areas, whether the proposed lot is capable of accommodating permitted activity residential buildings that are compatible with the predominant housing pattern or density of the surrounding residential area.*

Recommendation

- **Accept** submission 30 insofar as it supports objective 4.2.6 and policy 4.2.6.1
- **Reject** submissions 18, 19 and 20 insofar that they request that the standard subdivision controls in the Johnsonville Area of Change
- **Accept** submission 50 regarding provision of fibre optic connections to new subdivisions
- **Accept** submission 57 insofar as it requests that a cross reference to policy 4.2.6.5 and rule 5.4.7
- **Accept** submission 30 insofar as it requests greater recognition for the Historic Places Act 1993 and archaeological sites
- **Accept** submission 64 insofar as it supports controls on future subdivision of Stebbings Valley
- **Accept** submission 59 regarding the encouragement of multiple transport options for future greenfield subdivisions.
- **Reject** submission 69 insofar as it requests a greater focus on access to the coast and waterways in policy 4.2.6.2
- **Accept** in part submissions 55 and 56 insofar as they seek amendments to the subdivision policies, rules and standards
- **Reject** submission 69 insofar as it seeks amendments to the non-notification statement attached to rule 5.3.12

4.22 Non-notification statements

Specific issues raised in submissions include:

- Affected neighbours should always be notified of a proposed development, even if it is just a courtesy letter. (**submission 13**)
- Submitter supports the practise of sending courtesy letters to neighbours of proposed developments. (**submission 27**)
- Amend the non-notification statements contained in Plan Change 72 to reflect the recent amendments to the Resource Management Amendment Act. (**submission 50**)
- Support the use of non-notification statements, but consider that they should be re-written to reflect recent amendments to the RMA, specifically section 77D. (**submission 56**)
- Add expressed approvals for the consideration of matters relating to 'parking' and 'site access' in rules 5.3.1, 5.3.2, 5.3.5 and 5.3.7 (**submission 50**)

Discussion

The Residential Chapter of the District Plan includes non-notification statements to cover Controlled and Discretionary (Restricted) rules (or parts of rules) where consents are not required to be publicly notified and no parties are considered to be affected by the proposal.

Submissions 50 and 56 request that Council amend the non-notification statements to make them consistent with recent amendments to the RMA. **Further submission 8** supports submission 50. Officers support these submissions on the grounds that the 2009 amendment to the RMA has resulted in the need to make minor wording changes to the existing non-notification statement contained in the plan. These wording changes do not alter the intent or application of the statements, but are required to bring the statements into line with the new wording of the Act. The revised wording is shown below:

Non-notification

In respect of rule X applications will not be publicly notified (unless special circumstances exist) or limited notified.

Submission 50 requests that rules 5.3.1, 5.3.2, 5.3.5 and 5.3.7 be amended to include 'parking' and 'site access' in the non-notification statements. Officers consider that this submission should be accepted on the basis that it would make the rules consistent with Council's treatment of parking and site access elsewhere in the plan. **Further submission 9** opposes this submission and requests that NZTA be considered to be an affected party in rules 5.3.1, 5.3.2 and 5.3.11. Officers agree in part but consider that NZTA should only be considered to be an affected party to resource consent that involve sites that front a state highway.

Submission 13 and **27** support Council's current practise of sending courtesy letters to neighbours when resource consents are lodged with Council. This support should be noted.

Recommendation

- **Accept** submissions 50 and 56 insofar as they request that the non-notification statements in the residential chapter be updated to reflect recent changes to the RMA
- **Accept** submission 50 insofar as it requests that parking and site access be included in the non-notification statements in rules 5.3.1, 5.3.2, 5.3.5 and 5.3.7

- **Note** submissions 13 and 27 insofar as they support Council's current practise of sending courtesy letters to neighbours

4.23 Information requirements (chapter 3)

Specific issues raised in submissions include:

- Amend requirement 3.2.4.2.1 (6) so that it specifically identifies those streets or areas that are considered to have significant streetscape/townscape character. **(submission 55)**

Discussion

Submission 55 requests clarification as to when requirement 3.2.4.2.1(6) (which requires a streetscape/townscape appraisal) applies. Officers agree that the current phrasing is inappropriately vague and recommend amending the provision as follows:

In addition where a development is located in:

- *pre-1930's demolition area (Appendix 1 Chapter 5)*
- *Residential Coastal Edge (Appendix 2, Chapter 5)*

then a streetscape/townscape appraisal will be required.

Recommendation

- **Accept** submission 35 insofar as additional clarification is added to requirement 3.2.4.2.1(6).

4.24 Hazards

Specific issues raised in submissions include:

- Retain Rule 5.1.11 and the limitations specified in 5.1.11.1 and 5.1.11.2. **(submission 361)**
- Delete Rule 5.2.2. **(submission 361)**
- Modify Rule 5.3.10 to widen the discretion and the scope to which the rule applies. **(submission 361)**
- Retain objective 4.2.10 and amend policy 4.2.10.1 to further emphasise avoiding adverse effects of natural and technological hazards on people, property and the environment. **(submission 361)**
- Amend General Yards standards 5.6.2.2.10 and 5.6.2.2.11 to increase the yard setback for buildings and structures and impervious surfaces from Porirua Stream, the coastal marine area and any other water body. **(submission 361)**
- Add the words "building and" to policy 4.2.10.2 and amend policy 4.2.10.3 to include hazards other than just flood events. **(submission 361)**
- Delete standard 5.6.2.11 on the grounds that it is a repetition of standard 5.6.2.5.2. **(submission 55)**
- Add explanations to the rules relating to the Tawa Hazard (Flooding Area) to clarify why the rules are needed and how new buildings can impact on landforms and downstream properties during a flood event. Map 26 should be larger to more accurately illustrate the flood hazard area. **(submission 64)**
- Add an additional policy and explanation at 4.2.9.4 that specifically addresses natural hazards unique to the coastal environment. **(submission 361)**
- Modify the non-notification/service statement for rules 5.3.10 and 5.3.4.2 to clarify that Greater Wellington is an affected party for such applications. **(submission 361)**

Discussion

Submission 55 requests that standard 5.6.2.11 (relating to buildings in the Hazard (Faultline) Area) be deleted as it repeats standard 5.6.2.5.2. Officers agree that the reference to the 8 metre maximum height is repeated in both standards, but consider that standard 5.6.2.11 must be retained to keep the requirement for light roof and wall claddings. Officers suggest removing the reference to height in standard 5.6.2.5.2 to remove the duplication.

Submission 64 seeks greater clarity as to the purpose of the Tawa Flood Hazard Area rules, and requests that the planning maps be enlarged to make the area easier to identify. Officers note that a number of the changes suggested below will help to explain the purpose of the flood hazard area. Officers also note that there is little scope in the current paper based maps to increase the scale to make the hazard information more prominent. However Council is currently updating the GIS interface on the Council website and this will enable the flood hazard areas to be viewed at any scale.

Submission 361 seeks a range of changes to the rules and standards applying to the Tawa Flood Hazard Area. The submission requests that Council delete the current Controlled Activity rule for building works above the 100 year flood level, on the basis that such works could still present a problem in a flood event and compromise access to the stream to undertake flood management works. The submission requests that all works in the flood hazard area be considered under Discretionary Activity (Restricted) rules 5.3.10, with an additional assessment criteria. Officers support these changes on the grounds that they create a more effective rule framework and recommend that rule 5.3.10 be amended as shown below.

5.3.10 In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to ~~residential~~ buildings, including accessory buildings, that is not a Permitted ~~or~~ ~~Controlled~~ Activity, is a Discretionary Activity (Restricted) in respect of:

5.3.10.1 building floor level

5.3.10.2 building location within the site

5.3.10.3 building floor area.

5.3.10.4 effects of the proposal on the erosion and flood hazard risks, and stream maintenance.

For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in 'Section 23. Utility Rules' of the District Plan.

Submission 361 requests that the notification statements attached to rules 5.3.10 and 5.3.4.2 be amended to note that Greater Wellington is an affected party to any consent. Rule 5.3.4.2 relates to breaches of the yard standards in the plan. This submission is supported on the grounds that Greater Wellington retains a particular interest in the management of waterways and the coastal environment.

Submission 361 also seeks an increased yard requirement of 10 metres along the Porirua Stream (and its tributaries) and the coast, and 5 metres from any other waterbody. Currently the yard standards are 5 metres and 3 metres respectively. The

increase is sought to ensure ongoing access to the stream channel to undertake flood management works, to ensure that buildings and structures are not damaged by erosion along the stream edge, and to ensure that new works do not exacerbate a flooding event. Officers support these amendments in part. Officers consider that if the location of a building or structure could exacerbate a flood event, or be at risk from a flood, then this would be better dealt with using the Flood Hazard Area controls, rather than a generic yard standard. Officers understand that Greater Wellington is in the process of remodelling the flood hazard zone for the Porirua Stream. If this results in changes to the extent of the area that is subject to a flood hazard then the planning maps will need to be updated as part of a future plan change.

Officers do accept that Greater Wellington needs to be able to maintain access to Porirua Stream in order to undertake flood management works, and the 10 metre yard along Porirua Stream is supported for this reason. However Officers are not convinced that a 10 metre wide yard is required or justified along the tributaries suggested in the submission. The Officers therefore recommend that the yard standards be amended as follows:

- 5.6.2.2.10 No building or structure, including a fence or wall, shall be located closer than 3 metres to a waterbody or 10 metres to the Porirua Stream, 10 metres to the coastal marine area, or 5 metres to any other water body, excluding artificial ponds or channels, or closer than 5 metres to the Porirua Stream within the Tawa Hazard (Flooding) Area.
- 5.6.2.2.11 No impervious surface associated with the use of the site shall extend closer than 3 5 metres to a water body or the coastal marine area or any water body, excluding artificial ponds or channels.

To enable the clear application of these standards Officers request that the submitter provide advice to the hearing as to where they consider the main Porirua Stream channel commences.

Submission 361 requests a number of amendments to the policies regarding management of hazards. These are shown below and are supported by Officers on the basis that they better articulate Council responsibilities and intentions in relation to hazards.

- 4.2.10.1 Identify hazards that pose a significant threat to people and property in Wellington and ensure that appropriate mitigation measures are taken to ~~reduce~~ minimise risks to health and safety.
- 4.2.10.2 Ensure that buildings and structures within the Hazard (Fault Line) Area are not occupied by or developed for vulnerable uses.
- 4.2.10.3 Ensure that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.

Submission 361 also seeks the inclusion of an additional policy and explanation at 4.2.9.4 that specifically addresses natural hazards unique to the coastal environment. Officers do not consider that it is appropriate to include a policy into the plan when no consideration has been given to the degree of risk posed by the hazard, the area subject to the hazard, or the types of activities that may be at risk.

Recommendation

- **Accept in part** submission 64 insofar as it seeks greater clarity regarding the flood hazard controls

- **Accept** submission 361 insofar as it requests a range of amendments to the policies, rules and standards relating to hazards
- **Reject** submission 361 insofar as requests the addition of a policy regarding coastal hazards

4.25 Rezoning

Specific issues raised in submissions include:

- Confirm the rezoning of the parcel of land beside Fraser Ave from Open Space to Outer Residential (**submission 12**)
- Adopt the proposed re-zoning of 60 Peterhouse Street, but amend the 'ridgeline and hilltop' overlay to align with the proposed zone boundary. (**submission 77**)
- Amend zone boundary between the Inner Residential and Centre zones as they run through the properties at 300, 302 and 304 Tinakori Road. Confirm the zonings of 296 and 298 Tinakori Road as Inner Residential. (**submission 21**)
- Include both sides of the properties on 9 Millward Lane, Newtown as Centre zone, not just the east side of Millward Lane South. (**submission 28**)
- Amend the boundary of the residential area along upper Willis Street to better reflect the use and design of buildings in this area. (**submission 60**)
- Rezone approximately 52 hectares of land contained within the Woodridge area (Lots 1 and 3, DP 415604) from Rural to Outer Residential. (**submission 54**)
- Rezone those areas within the Lincolnshire Urban Development Area (shown on the attached plans) to 'Outer Residential'. (**submission 45**)
- Rezone the Council owned land on the northern side of the Old Coach Road from Outer Residential to Open Space. (**submissions 32, 33, 34, 35, 36, 82 & 102**)
- Rezone the triangular pocket of land between the Open Space B land and the Old Coach Road from Outer Residential to Open Space B. (**submission 69**)
- Examine all large Outer Residential sections in the Ngaio/Kaiwharawhara area, where the slope is greater than 35 degrees, and consider rezoning these sections to Open Space. (**submission 35**)
- Rezone the escarpment along Hutt Road (part of the Harbourside subdivision) to Open Space B to protect the mature pohutukawa trees. (**submission 35**)

Discussion

DPC 72 proposed a number of rezonings around the City. These included the re-zoning of a parcel of land beside Fraser Ave, Johnsonville from Open Space to Outer Residential, and re-zoning two lots at the end of Peterhouse Street, Tawa from Rural to Outer Residential.

Submission 12 supports the Fraser Ave rezoning and this support should be accepted.

Submission 77 supports the re-zoning of the Peterhouse Street properties, but requests that the boundary of the Ridgeline and Hill-top overlay that currently covers the site also be amended to align with the new zone boundary. This submission is supported on the grounds that the rezoned land lies at the street edge and does not



Fraser Avenue – rezoned Outer Residential

is supported on the grounds that the rezoned land lies at the street edge and does not

contribute to the wider landscape values intended to be protected by the ridgeline and hilltop provisions. Because the residential zoning anticipates residential development of the front portions of these properties it is considered sensible to align both the overlay and zone boundaries.



62 & 64 Peterhouse Street, Tawa



Area to be rezoned Outer Residential

A number of submissions have been received requesting additional rezonings.

Submission 21 requests that Council review the current split zoning that runs through the properties at 300, 302 and 304 Tinakori Road. At present the fronts of these properties are zoned Centre to reflect existing ground floor uses, while the upper floors to the rear are zoned Inner Residential to reflect the character and use of the building. Officers support this submission on the basis that the suggested re-zonings better recognise the use and character of the properties in question. As a result the properties at 296, 298 and 300 Tinakori Road would be zoned Inner Residential, while 302, 304 and 306 Tinakori Road would be zoned Centre.

Submission 28 requests the Council rezone the western side of Millward Lane (in particular 9, 13, 15 and 17) Newtown as Centres to match the existing Centres zoning directly to the east. Millward Lane is a short, dead end pedestrian lane that runs behind the residential properties of 9-19 Millward Street. The carpark for McDonalds Restaurant is located immediately to the east and is zoned Centres. Access to the existing houses on the sites is via the rear of the houses off Millward Street. The actual frontage of the properties is eastwards overlooking the McDonalds car park. An additional household unit has been built on the rear of number 11 fronting the lane. It would appear that the rezoning is sought to enable the sites to be redeveloped without providing carparking.



Millward Lane, Newtown

Officers do not support the re-zoning of the land to Centres. The fronts of these sites are not able to be serviced by vehicles, and a Centres zoning would permit a wide range of uses on these sites that may not be compatible with surrounding residential activities. For this reason, Officers recommend rejecting this submission.

Submission 60 requests that Council rezone the western edge of Upper Willis Street from Central Area to Inner Residential to better reflect the use and design of buildings in this area. This matter has previously been considered as part of the Central Area review (DPC 48), at which time the Hearing Committee was very much of the view that the area conveys a commercial feeling and contains a mixture of uses. The Committee considered that while the buildings were residential in scale, the uses were mixed and that they typically had a 'suburban centre' feel to them, that is, they provide a range of shops and services to the surrounding properties and for pedestrians. The Committee decided that the Central Area zoning would allow this vibrant mix of uses to continue, which was desirable as this location is a busy pedestrian street on the edge of the main CBD. Further, the height limits associated with these properties will ensure that the buildings provide a suitable transition from the main part of the Central Area through to the adjacent Inner Residential zoned properties.



Upper Willis Street (western edge)

As part of the consultation undertaken during the preparation of DPC 72, Council sent letters to the owners of the properties from 290-302 Willis Street to gauge whether they would support a re-zoning to Inner Residential. Council received 6 replies all of which opposed a residential re-zoning. Based on the mixed character of the area and the lack of support amongst property owners for a zone change, Officers recommend retention of the current Central Area zoning.

Submission 54 requests that Council rezone approximately 52 hectares of land contained on the north-eastern edge of the Woodridge area as Outer Residential. Officers note that this matter is the subject of an appeal on DPC 45, which is under active mediation. Officers consider that it would be inappropriate to pre-empt the outcomes of the appeal process by re-zoning the land as part of DPC 72.

Submission 45 requests that three areas of the Lincolnshire Farms development that have been either developed, or consented by Council be rezoned from Rural to Outer Residential. Officers agree that it would be opportune to take advantage of DPC 72 to re-zone these three areas to Outer Residential given that they have been approved for residential development. However Officers note that once the land is zoned Outer Residential it would no longer be required to deliver on the development outcomes sought under the Northern Growth Management Framework and the structure plan for the area. Accordingly a fresh subdivision could be lodged that undermines the structure plan. To help manage this situation Officers recommend adding the following assessment matter to policies 4.2.6.2 :

- *Where the subdivision involves undeveloped land in the Lincolnshire Farm Structure Plan Area (Appendix 1, Chapter 28), whether the proposal is consistent with the outcomes sought in the structure plan regarding the provision of a variety of lot sizes and housing choice.*

Submissions 32, 33, 34, 35, 36, 82 and 102 request that the Council owned land around the northern side of Old Coach Road be rezoned to Open Space. **Submission 69** requests that the triangle of land between Old Coach Road and the land zone Open Space B, be rezoned from Outer Residential to Open Space B. Council owns the land around Old Coach Road, between the northern and southern portions of McLintock Street. Council has plans to develop a road through the area, to link the two ends of McLintock Street, in the next five years. Officers consider that rezoning the land to open space at this time could complicate the consenting process for the future road, and consider that the issue of re-zoning the land to Open Space would be best dealt with once consenting of the new road is finalised.



McLintock Street, Johnsonville

Submission 35 requests that Council identify large sites with a ground slope over 35 degrees in Ngaio/Kaiwharawhara and re zone these sites to Open Space. While acknowledging that there may be merit in restricting development on steeply sloping land, Officers consider that it would be unreasonable to undertake a blanket re-zoning of land, based on slope angle, as part of DPC 72. However out of interest Officers have mapped the land in and around the Ngaio Gorge area with a slope greater than 35 degrees, and note that the vast majority is already in Council ownership and is zoned as either Conservation Area, Open Space or legal road.



Harbourside development, Kaiwharawhara

Submission 35 requests the rezoning of land on the escarpment above Hutt Road, between Kaiwharawhara Road and Rangiora Ave (part of the Harbourside subdivision) as Open Space B. Officers recommend that this submission be accepted on the grounds that the land in question has been vested in Council as part of the Harbourside development, and an Open Space B zoning would be consistent with Council's strategy for managing the area.

Recommendation

- **Accept** submission 12 insofar as it supports the re-zoning of Fraser Ave.
- **Accept** submission 77 insofar as it supports the re-zoning of Peterhouse Street, with a corresponding realignment of the Ridgeline and Hilltop overlay.
- **Accept** submission 21 insofar as seeks amendments to the zoning of properties from 296-306 Tinakori Road
- **Reject** submission 28 insofar as it requests a Centres zoning for the properties on the western side of Millward Lane.
- **Reject** submission 60 insofar as it requests an Inner Residential zoning for properties fronting upper Willis Street

- **Reject** submission 54 insofar as it seeks an Outer Residential zoning for an additional 52 hectares of land contained within the Woodridge area
- **Accept** submission 45 insofar as it requests that the areas of Lincolnshire Farm that are already developed or consented be zoned from Rural to Outer Residential.
- **Reject** submissions 32, 33, 34, 35, 36, 69, 82 and 102 insofar as they request an open space zoning for the land between northern and southern ends of McLintock Street.
- **Reject** submission 35 insofar as it requests an Open Space zoning for all land with a slope of over 35 degrees in the Ngaio/Kaiwharawhara area.
- **Accept** submission 35 insofar as it seeks the rezoning of the coastal escarpment between Hutt Road and the Harbourside subdivision.

4.26 Appendices (Chapter 5)

Specific issues raised in submissions include:

- Amend the cross references to earthworks rules contained in appendices 7 and 12, Chapter 5 to reflect the new chapter numbering introduced by Plan Change 70. (**submission 50**)
- Submitter supports Appendix 9 and the protection afforded to the open space areas to the west of the proposed road alignment near Cortina Ave, Johnsonville. (**submission 69**)

Discussion

The Residential Chapter of the plan contains a number of appendices which identify areas that are subject to either area based rules or a site specific rule structure.

Appendices 7 and 12 currently contain cross references to the earthworks rules in the operative plan. To future proof these rules, **submission 50** requests that the cross references be replaced with the new chapter numbering introduced by Plan Change 70 – Earthworks. Officers agree and recommend that this submission be accepted.

Submission 69 supports Appendix 9. This support should be accepted.

Recommendation

- **Accept** submission 50 insofar as requests that the cross reference to earthworks rules in Appendices 7 and 12 be updated.
- **Accept** submission 69 insofar as supports Appendix 9.

4.27 Utilities

4.27.1 Transmission lines

Specific issues raised in submissions include:

- Retain subdivision rules and standards without further modification. (**submission 363**)
- Retain objectives and policies relating to subdivision (4.2.6 and 4.2.6.2) and the national grid (4.2.13 and 4.2.13.3) as notified. (**submission 363**)
- Retain the requirement for all buildings and structures in Rules 5.1.7-12, and 5.2.2 to

- Amend the rules in section 5.3 to refer to 'buildings and structures' rather than the specific references to 'residential buildings and structures'. (**submission 363**)
- Retain rule 5.3.4.11, but amend the non-notification statement attached to the rule to clarify that Transpower NZ Ltd may be considered to be an affected party. (**submission 363**)
- Amend standard 5.6.2.12 to include a control on the mature height of trees/vegetation planted within the vicinity of any transmission line. (**submission 363**)
- Amend the Residential Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines. (**submission 363**)
- Amend the definition of 'Minor Upgrading' to include a greater range of works on the national grid transmission lines. (**submission 363**)
- Amend the planning maps to show the 'transmission corridors' that follow the national grid transmission lines that traverse Wellington. (**submission 363**)
- Submitter requests an additional policy that Council will encourage and require the undergrounding of transmission lines in residential areas. (**submission 69**)

Discussion

DPC 72 contains rules and standards regarding buildings and structures located within close proximity of high power transmission lines. These lines are also shown on the planning maps to aid plan users.

Submission 363 generally supports the controls proposed, but has requested a number of amendments to the policies, rules and standards that relate to the transmission lines. These are:

- Amend the rules in section 5.3 to refer to 'buildings and structures' rather than the specific references to 'residential buildings and structures'. Officers do not consider that this is necessary, and note that it would require a significant re-jigging of the structure of the rules. At present works on 'non-residential' buildings and structures are a Discretionary Activity (Unrestricted) which allows for consideration of any impact on the national grid for buildings located within the transmission corridor.
- Retain rule 5.3.4.11, but amend the non-notification statement attached to the rule to clarify that Transpower NZ Ltd may be considered to be an affected party. This submission is supported on the basis that it is consistent with the National Environmental Standards (NES) on Transmission Lines.
- Amend standard 5.6.2.12 to include a control on the mature height of trees/vegetation planted within the vicinity of any transmission line. Officers do not support this request. The NES provides Transpower NZ Ltd with the necessary tools to manage vegetation in close proximity to transmission lines. Inclusion of the requested standard would transfer responsibility for monitoring and enforcing the vegetation controls to Wellington City Council, with is neither practical nor desirable. Officers consider that it is more efficient and appropriate for Transpower to retain responsibility for managing vegetation within the transmission corridor.
- Amend the Residential Design Guide to include guidelines on subdivisions, building works and planting undertaken in the vicinity of transmission lines. Officers consider that there is marginal benefit in including the suggested design guidelines in the Residential Design Guide. The majority of the guidelines relate to creation of open space beneath transmission lines and ensuring that new lots can accommodate a dwelling outside of the transmission corridor. These matters are most relevant to new 'greenfield' subdivisions, and less relevant to the infill, multi-unit and character assessment covered by the Residential Design Guide. Officers consider that some of

the suggested guidelines would be appropriately incorporated into the Subdivision Design Guide, but this is beyond the scope of DPC 72.

- Amend the definition of 'Minor Upgrading' to include a greater range of works on the national grid transmission lines. Officers note that this definition relates to the Utilities chapter, and consider that amendments to this definition fall outside of the scope of DPC 72.
- Amend the planning maps to show the 'transmission corridors' that follow the national grid transmission lines that traverse Wellington. Officers support this submission on the grounds that it will assist plan users to determine which properties are subject to special controls regarding transmission lines.

Submission 69 requests that the plan include an additional policy to encourage and require the undergrounding of transmission lines in residential areas. Officers note that transmission lines are managed under the Utilities chapter of the District Plan which already contains a policy encouraging the under grounding of existing lines, and an additional policy in the Residential chapter would serve little purpose.

Recommendation

- **Accept** submission 363 insofar as it requests retention of policies, rules and standards relating to transmission lines.
- **Reject** submission 363 insofar as it requests amendments to the rules in section 5.3 to refer to 'buildings and structures'
- **Accept** submission 363 insofar as it requests the Transpower be considered an affected party in relation to Rule 5.3.4.11.
- **Reject** submission 363 insofar as it requests the inclusion of standards regarding vegetation within the transmission corridor
- **Reject** submission 363 insofar as it requests additional design guidance for works in the transmission corridor
- **Reject** submission 363 insofar as requests amendments to the definition of 'minor upgrade'.
- **Accept** submission 363 insofar as requests that the transmission corridor be shown on the planning maps.
- **Reject** submission 69 insofar as it requests the addition of a policy encouraging the under grounding of power lines in residential areas.

4.27.2 Proximity to fire hydrants

Specific issues raised in submissions include:

- Insert a requirement into section 5.6.2 requiring that all proposed dwellings comply with the minimum distances to a fire hydrant outlined in Fire Service standard SNZ PAS 4509:2008. (**submission 76**)

Discussion

Submission 76 requests that the plan incorporate a reference to the Fire Service standard SNZ PAS 4509:2008, regarding minimum distance to fire hydrants. The effect of this change would be to require consent for any household unit further than 130 metres from a fire hydrant. **Further submission 5** opposes this submission.

This submission has been opposed by further submission 5, which considers that the proposed standard would be any inefficient use of the District Plan and that this matter would be better dealt with under the Building Act

The Fire Service standard is referred to in Council's Code of Practise for land development. Accordingly it is applied to any new subdivision that requires consent as a controlled or discretionary activity. **Submission 76** is particularly concerned that the Fire Service standard should apply to a second household unit on a site in the Outer Residential Area as these are currently a permitted activity under the plan.

Officers see limited benefit in including the standard to capture a second unit on a site given that the location of fire hydrants around existing neighbourhoods is already established and the size of most residential lots is relatively small. Accordingly there is limited scope for a second household unit to be far removed from the street and the nearest fire hydrant. Officers also understand that a standard fire appliance has capacity to access fires that are further than 130 metres from a hydrant.

On balance Officers are not convinced that the inclusion of a reference to the Fire Service standard is an efficient means of ensuring that all new residential units are accessible in the event of a fire.

Recommendation

- **Reject** submission 76 insofar as requests a new standard that all proposed dwellings comply with the minimum distances to a fire hydrant outlined in Fire Service standard SNZ PAS 4509:2008.

4.27.3 Radio antenna

Specific issues raised in submissions include:

- That the rules permit the erection as a permitted activity of amateur radio antennas, aerials, and their supporting structures, poles, masts sufficient to meet the reasonable needs of the amateur radio service. The submitter provides a number of proposed permitted activity standards for antennas, supporting structures and radio satellite dishes. (**submissions 62 and 73**)

Discussion

This issue was canvassed at length during the hearing on DPC 74 – Telecommunication Structures. In that hearing it was concluded that amateur radio antennas and mast came under the definition of a utility, and so were better dealt with under the Utility chapters of the plan. It is not proposed to revisit this issue as part of DPC 72.

These submissions are opposed by **further submissions 4 and 12**.

Recommendation

- **Reject** submissions 62 and 73 insofar as they request that changes be made to the residential chapter to provide for amateur radio antennas and aerials.

4.28 Building on public land

Specific issues raised in submissions include:

- One submission considers that there should be no privatisation of public land without the consent of citizens and that buildings on paper roads should be demolished at the owners cost, and the land made good by re-planting etc. the submission also considers that there needs to be a new rule to guide those considering the monitoring and use of shared spaces, and re-designation of any public space should be at the cost of the proposer (**submission 13**).
- Amend policy 4.2.3.8 regarding structures on legal road to include analysis of the

impact of any structure on pedestrian amenity. (**submission 59**)

Discussion

Submission 13 raises concerns regarding the privatisation of public land, particularly the construction of buildings on paper roads. At present any building or structure on legal road requires both resource consent and an encroachment license from Council. The resource consent allows consideration of design, amenity protection, visual character in coastal areas, and safety.

While Officers can appreciate the submitters concerns, they do not think that it is practical to increase the level of regulation for buildings on legal road. Given Wellington's challenging topography it is not always possible to locate private buildings (particularly garages and car decks) on the site to which they relate. Officers consider that the current plan provisions provide an appropriate assessment process.

Submission 59 requests that policy 4.2.3.8 be amended to clarify that pedestrian amenity will also be taken into account when considering the suitability of new buildings and structures on legal road. Officers support this submission on the basis that the construction of new buildings and structures should not come at the expense of pedestrians using the legal road.

Recommendation

- **Reject** submission 13 insofar as it requests stronger controls for new buildings and structures on public land.
- **Accept** submission 59 insofar as it requests amendments to policy 4.2.3.8 regarding pedestrian amenity.

5. CONCLUSION

Proposed District Plan Change 72 (DPC 72) is a full review of the residential chapters of the District Plan. It builds on the provisions of the operative District Plan and incorporates Council's current strategic and policy directions. It includes the following key changes:

- two new 'areas of change' surrounding the Johnsonville and Kilbirnie town centres to provide for medium-density housing
- a new character area to recognise the unique character of Wellington's 'residential coastal edge'
- amendments to the Inner Residential Area rules covering the demolition of buildings built prior to 1930 to make them more effective
- amendments to other policies, rules, definitions and planning maps to improve the effectiveness of the Plan.

366 submissions and 15 further submission were received on the plan change. All matters raised in submissions have been considered in this report to the Hearings Committee.

A wide range of amendments are recommended in response to submissions received, but in the main these are suggested to fine tune and provisions and to clarify the existing aims of the Plan Change.

Officers consider that the philosophy guiding DPC 72 remains valid, so no substantial changes are recommended to the core elements of the plan change. It is not considered that any of the recommended changes is so significant that it undermines the intent of Plan Change 72 as notified.

Contact Officer: Jeremy Blake, Principal Policy Advisor, City Planning

Appendix 1 – List of submitters and further submitters

Submissions were received from:

Submitter Number	Submitter Name
1	Dale Mary McTavish
2	Keith Lewis & Robyn du Chateau
3	Peter Alan Maunder
4	Pat Youngman
5	Stephen Matthew Watson
6	Janet Watchman
7	Shirlee Allerby
8	Anne & Tony Black
9	Kali Kahn
10	Astrid van Meeuwen-Dijkgraaf
11	Martin Hibma
12	Wellington Education Trust
13	Rosamund Averton
14	Christine Margaret Watson
15	Adrian Mamufi
16	Samuel Watson
17	Ross Maskell
18	Rino Tirikatene
19	Whetumarama & Owen Ranfurly
20	Hineamoia Tirikatene
21	Peng Hui Lim
22	Pauline Weston-Webb
23	Victoria University of Wellington (VUW)
24	J Chris Horne
25	Andrew Bowman
26	Cashmere Eleven Trust
27	Mt Victoria Residents Association
28	Cockburn Architects Ltd
29	Strathmore Park Progressive and Beautifying Assc
30	New Zealand Historic Places Trust
31	Brentwood Hotel Limited
32	Mary Agnes Wotton
33	Fred Wotton
34	Lindsay Cuthbertson
35	Frances Mary Cotchett Lee

36	Action For Environment Inc
37	Moir Street Residents Group
38	David Lee
39	Queen Margaret College
40	Samuel Marsden Collegiate School
41	Scots College (Incorporated)
42	E Street Association Inc
43	Alexander George Ltd
44	Infratil Infrastructure Property Limited
45	Best Farm Ltd
46	Bruce D White
47	Alexander McKinnon
48	David Calnan
49	Russell Charles Franklin
50	Wellington City Council
51	Eyal Aharoni
52	Spencer Holmes Ltd
53	No Trust Ltd
54	Woodridge Estate Ltd & Woodridge Holdings Ltd
55	Cardno TCB Ltd
56	NZ Institute of Surveyors Inc. - Wellington Branch
57	NZ Transport Agency
58	Cycle Aware Wellington
59	Living Streets Wellington
60	Roland Sapsford
61	Ngaio Progressive Association (Inc)
62	Wgtn VHF Group Inc & Wgtn Amateur Radio Group
63	Christine Greenwood
64	Glenside Progressive Assn.
65	Glen & Francesca Wright
66	Malcolm Hunt & Lindsay Hannah
67	Fiona & Hao Hoang
68	Housing New Zealand Corporation (HNZC)
69	Michael Taylor
70	A Gibson
71	Ironmarsh Trust
72	I R Reid
73	NZ Association of Radio Transmitters (Inc)
74	Peter Coop
75	Joe Pope

76	Capacity Infrastructure Limited
77	Grant David Hassell
78	Victoria House Inc
79	Wgtn International Airport Airnoise Mgnt Committee
80	Wgtn International Airport Limited
81	Peter Imlach
82	Johnsonville Residents Association Inc
83	Louellen Bonallack
84	John Pavan
85	Paul Thompson
86	Rosemary Sander
87	Joyce Carter
88	Megan Elizabeth Pierson
89	W Turner
90	Dinny Rawiri
91	Liliane O'Leary
92	Lena McCarthy
93	Edmund Becker
94	M Macleod
95	Robert Hopkins
96	Bronwyn Shields
97	Graham Simpson
98	Megan Barber
99	Bryce Yeoman
100	Meryl Wilson
101	Grant William Stephen
102	Peter John Graham
103	Joan Barnes
104	Frances Josephine Gibbs
105	Mana Sainsbury
106	Peter van der Voorn
107	Beverley Ann Quinn
108	Colleen Margaret Biberstein
109	Benjamin Yeoman
110	Rebekah Matthews
111	Elizabeth A Francis
112	Bih Rong Huw
113	Sara Best
114	Mrs Doris Holt
115	Paul Thomas Escott

116	Graeme W Francis
117	Lisa Ann Grinling
118	June Joyce Grinling
119	Robert Ernest Grinling
120	Leanne Havill
121	Gabrielle Dennis
122	Ann-Louise Webster
123	Colin Grant Macmillan
124	Barry Sayer
125	Ronald Eulink
126	James Michael Joseph Murphy
127	Dale Harkness
128	Douglas Wright
129	Margaret Anne Wright
130	Asher William Gabriel Wright
131	Grace Therese Wright
132	Luka Patricia Wright
133	Amanda Abolins-Reid
134	Jeffrey Reid
135	Monique Beryl Watson
136	Anne Marie Fale
137	Cherie Pomare
138	Valda Haussmann
139	Susan Kay Allen
140	Craig Brown
141	David Ohlsson
142	Mr and Mrs Mark M Gilchrist
143	Mrs Michelle P Gilchrist
144	Lisa Marie Coles
145	Nicholas John Eastwood
146	Ian Lindsay Robertson
147	Russell Fowler
148	Katrina Young-Drew
149	Jacqueline B D Appleyard
150	Ingrid Ward
151	Maggie Jenns
152	Virginia Sarah Wilson
153	Robin Arthur Austin
154	George Bromley
155	Ruth Rosaline McKendrey

156	Marie Dolores Mackley
157	Anne Patricia Spillane
158	Gerard Damien Galvin
159	Rory Thomas Galvin
160	William Moncrieff Shannon
161	Lana Dawn Bromley
162	Alan and Rosalie Heap
163	Yiming Zeng
164	Jing Zhang
165	David Lloyd Grainger
166	Ann Drummond
167	Robyn Leanne Wilson
168	Ken Bateson
169	Geraldine Bateson
170	Joanne Eileen Garrett
171	Saneleep V Tupule
172	Ian Hutchison
173	Robert White
174	Ong, Su-Wuen
175	Michael Graham Collett
176	Brian R Smythe
177	Peter and Mary Therese Sullivan
178	Board of Trustees, St Brigid's School
179	Pastoral Development Team, Ss Peter and Paul Parish
180	Alicia McFaull
181	Mary Ann Spillane
182	Elizabeth Meyer
183	Lloyd MacIntyre and Shona MacIntyre
184	David Mundy
185	Roger Ellis
186	Melanie Jane Andrews
187	Jim Candiliotis
188	Stephen Blake Porter
189	Brianna Neve Hurst
190	Justin Robert Hurst
191	Pat Keane
192	Tracy Ann Hurst-Porter
193	Mrs Diana Mary Sherriff
194	Paul Dow
195	Jenny Spurs

196	Mark Spiers
197	Christine Kaye Davies
198	Mr Raymond William Sherriff
199	K A Hardie
200	Allie Cotter
201	Katherine McQueen
202	Kathleen Mary Brown
203	Nigel Flatman
204	Jared Light
205	Karlis Richards Abolins
206	Jean Abolins
207	Margaret Clark
208	Michael Frank Molloy
209	Graeme Sawyer
210	Nigel Wayne Foster
211	Patricia Lynn Jones
212	Anne Georgina Larking
213	Peter Larking
214	Elizabeth Rose Young
215	John Young
216	Nicholas J Francis
217	Brian Frederick Henskie
218	Betty Ann Henskie
219	Stephen Best
220	Susan Kathleen McPhee
221	Paul Sefton Williams
222	Monveb V. Monreal
223	Spencer Jonathan
224	E. Wallace
225	R. Wallace
226	W. Wallace
227	Derek John Watson
228	Toni Leigh Jack
229	Alistair Kerry Haussemann
230	Stephen Drew
231	Elizabeth Rendell
232	Hon Peter Dunne MP
233	Frederick Stanley North
234	Penelope North
235	Denis Smith

236	Robert George Bell
237	Kotomi Uchiyama
238	Nathaniel Bacchus
239	Craig Douglas Merritt
240	Janine Rachael Merritt
241	Josh Hartigan Merritt
242	Tegan Rachael Merritt
243	Rod Forster
244	Mavis Ann Forster
245	Akiko Grainger
246	Rick Zeng
247	Deepti Sandeep Tulpule
248	Sumedh Tulpule
249	Marita Basabas
250	Linda Riddell
251	Desarae Reti
252	Alexia Landy
253	Leighsah Rawiri
254	Phillipa Landy
255	George Herewini
256	R.D. McFaull
257	L. Melrose
258	J.J McFaull
259	McFaull Investments Limited
260	Susan Anne Delahunt
261	Sheryl Dooley
262	Lynn W. Sawyer
263	Sarah Le Breton
264	Damien Le Breton
265	John Kevin Wholey
266	Margaret Scott
267	Jacklyn Hensch
268	Margaret Hanson
269	Michael David Wong
270	Elizabeth Anne Fyfe
271	Virginia Takamoana Rawiri
272	Janet Marie Heaver
273	Margaret Torrens
274	Helen Mary Toms
275	Mrs Colleen Talty

276	Michael Talty
277	Karen-Anne McDonald
278	Diana Flatman
279	Deborah Clare Todd
280	Rachel Ward
281	Kaye Denise Wheeler
282	Lorayn Hart
283	Bibiana Sieh Yen Quek
284	Lilia Maria Molloy
285	Mark Greenfield
286	Ella Kislick
287	Jo Blackman
288	Sheenagh Jardine
289	Barbara Anne Black
290	Ian Walter Matthews
291	Patricia Diane Matthews
292	Arnold John Buck
293	Margaret M. Ash
294	Helen Elizabeth Becker
295	Dixie Lee Hoppener
296	James David Sawyer
297	Andrew Burton
298	Michael Lane
299	Renee Paul
300	Frances Scott
301	Joan Macneil
302	Anthony John Karantonis
303	Geoffrey George Sanders
304	Margaret Lavery
305	Margaret Robyn Buck
306	Inga Abolins-Thompson
307	Mrs Dawn Munro
308	Daniel Jacobs
309	Janet Tyson
310	Alice Joy Zentveld
311	Maria Telfar
312	Kathryn Wright
313	Daniel Keller
314	Frances Sheldon
315	Angela Sheldon

316	Susan Julia Hart
317	Murray Henderson
318	James Michael Joseph Murphy
319	Carol McKnight
320	Brian Pike
321	Warren Taylor
322	Paul Sefton Williams
323	Deborah Jacqueline Mackley
324	Amanda Cunningham
325	Ian Baggott
326	Leon Cast
327	Natasha Hallett
328	Aidan Hallett
329	Paul Hallett
330	Susan McIntyre
331	Jeanette Mason
332	Edward Williams
333	Sarah Krystyna Stirling
334	James William Stirling
335	Denise Dickinson
336	Julia White
337	Johnsonville Progressive Association (JPA)
338	Tony Evans
339	Teresa Frost
340	Dave Crampton
341	Mary Crampton
342	Anne-Marie Wallace
343	Bronwyn Cook
344	Lorraine Murrie
345	Louise Dow
346	J'ville Plunket New Facilities Project Steering Gp
347	Ted Mitchell
348	Nick Economu
349	Shazia Nazil
350	John Bateson
351	Hamish Dahya
352	Rupert Gough
353	Shanti Govind
354	Min Govind
355	Tony Randle

356	James Hosie
357	Dr Richard Tyler
358	Wai Man Choi
359	Anthony Quayle
360	June Fredricson
361	Greater Wellington Regional Council
362	Craig Palmer
363	Transpower New Zealand Ltd
364	Ann and Alexander Mitcalfe
365	Mr and Mrs Trang
366	Roger Hay

Further Submissions were received from:

Submitter Number	Submitter Name
FS1	McKenzie Higham Architecture
FS2	Allan Wright / Colville Trust
FS3	Board of Airline Representatives
FS4	New Zealand Historic Places Trust
FS5	Cardno TCB
FS6	A Gibson
FS7	George Ridd
FS8	NZ Institute of Surveyors Inc.
FS9	NZ Transport Agency
FS10	Tony Randle
FS11	The Thorndon Tennis and Squash Club
FS12	Wellington International Airport Ltd
FS13	Johnsonville Progressive Association
FS14	St Mark's Parish Property Trust
FS15	Philip Anthony & Annette Elizabeth Black