

# ***District Plan Change 72***

## **Residential Review**

(Notified 29 September 2009)

(Annotated Chapters showing amendments approved by Council)

## **Wellington City District Plan**

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# **1. OVERVIEW OF THE COMMITTEE'S DECISION ON DISTRICT PLAN CHANGE 72**

## **1.1 Introduction**

This overview is not an exhaustive exposition of all the issues addressed by the Notified District Plan Change 72 or the submissions lodged to it. It sets out the Committee's response to those matters considered to be of most interest and to the statutory and strategic context within which the Plan Change was developed and considered.

The key changes proposed by DPC 72 are:

- Two new Medium Density Residential Areas near the Johnsonville and Kilbirnie Town Centres
- A new Character Area that recognises the unique character and importance of Wellington's Residential Coastal Edge
- Amendments that increase the effectiveness of the Inner Residential Area rules covering demolition of buildings built prior to 1930
- Amendments to other policies, rules, design guides, definitions and maps to improve the effectiveness of the plan.

366 submissions and 15 further submissions were received on the Plan Change. The Committee undertook a substantial programme of site visits to improve their understanding of issues raised in submissions. All matters raised in submissions have been considered and that is set out in the Decision Report.

The Plan Change is set in the context of wider planning processes and the changes and pressures that have developed, in the residential areas and the city as a whole, since the District Plan became operative in 2000.

The Committee notes the concurrent review of the provisions in the District Plan affecting Suburban Centres., known as Plan Change 73. Submissions on the two plan changes were heard together and where it is appropriate this report refers to DPC 73 to acknowledge issues and submissions related to both plans and how these are reflected in proposed provisions of both plan changes.

## **1.2 Background**

The operative District Plan is a dynamic document which has been subject to review throughout its life. Even before the plan became operative in 2000 a number of variations were proposed and since then a programme of rolling reviews has addressed a variety of issues. However this current plan change and some that have preceded it have also indicated something of a change in direction rather than just a refinement of the existing approach. That should not be a surprise as policies and rules in plans should be practical responses to prevailing circumstances and not philosophical statements that will stand for all time.

When the operative plan was being drafted, Wellington was facing significant challenges and a somewhat uncertain future. An international recession, public service and corporate reorganisation and the removal of protection from New Zealand manufacturing had a profound effect on the city. The new plan was focussed on encouraging growth and the reuse of existing buildings left vacant by the retreat of corporate head offices and the reduction in the size of the overall public sector. Among other things the plan encouraged the growth of residential activity and the diversification of commercial and retail activity in the central business area. The city adopted a generally light handed approach to regulating development.

There is little doubt that this approach has had a considerable and generally positive impact on the Wellington economy and the City's population growth has exceeded the most optimistic estimates of demographers. Development did not occur evenly across the city. The CBD became the fastest growing residential quarter of city and in the inner residential areas infill and multi-unit development pressure increased.

Intensification of residential activity within the current residential areas is crucial to maintaining the compact urban form and character that serves Wellington so well. But the character of the city is also of critical importance to Wellington's liveability and ultimately to its economic success. Low quality poorly planned and executed development has had undeniably adverse effects and provoked resistance from neighbours, community organisations and professional groups. The Council has responded with policies and plan changes to manage growth by encouraging less ad hoc development which was damaging streetscape, the setting of the city and ultimately Wellington's sense of place.

Changes to the rules on infill housing, multi unit developments, the central area, heritage and character precincts in the inner residential area are among some key initiatives that, together with the negative effects of another recession have significantly constrained development during the last two or three years. These measures alone were never expected to provide the complete framework for accommodating growth in the residential sector of Wellington but they have given some sense of stability to communities and enhanced the protection of streetscape, townscape and the setting of the city.

### **1.3 District Plan Change 72 (DPC 72)**

It is against the above background that District Plan Change 72 (DPC 72) was notified.

DPC 72 is a Council initiated plan change. The purpose of the plan change is to provide a full review of the residential chapters of the District Plan. All aspects of the Residential Area chapters were open to submission. The plan change also covered definitions, design guides and maps associated with the Residential Area.

The plan change sought to build on those aspects of the operative District Plan that had resulted in improvements in the quality and amenity Wellington's residential areas. It builds on the Council's current strategic and policy directions, and includes the key changes outlined at the beginning of the overview.

### **1.4 Issues arising**

We heard submissions calling for the Council to identify smaller areas throughout the city which together may contribute to increased density without disrupting entire suburbs. We agree and we hope that work on building typologies, orientation, and sunlight recession planes will enable markedly more fine grained approaches to be developed that are consistent with existing character and which will improve the overall liveability of the city.

The shape of the city must also be considered in relationship to the outer suburbs and the region of the whole and the Committee notes the high degree of consistency between the planning responses of the Wellington City Council and the Greater Wellington Regional Council's proposed Regional Policy Statement. This is important as a matter of process but it is also important that policy makers, planners and the community think about the shape of the entire metropolitan region as fundamentally important to strong communities, efficient transport networks, quality public transport, effective private and public network infrastructure, economic development and future sustainability.

These considerations are central to the primary question this Committee must answer. Is the proposed plan change consistent with the overall purpose of the resource Management

Act which is “sustainable management of natural and physical resources” The RMA obliges us to take certain matters into account when making this judgement. Included in these are the Regional Policy Statement, the proposed regional Policy Statement and any relevant National Policy Statement and National Environmental Standards.

Submissions on the DPC 72 covered the entire scope of the proposal but some issues stood out as being of particular interest and concern to submitters:

- Area of Change – Johnsonville and Kilbirnie
- Townscape Character and Heritage
- Residential Coastal Edge
- Residential Design Guide and Residential Standards
- Noise Sources – air noise, highway noise and local road improvements.

This overview to the decision will outline our recommendations and commentary on these key issues. Details on these and the other matters covered by DPC 72 and the submissions will be found in the body of the decision.

## **1.5 Areas of Change**

DPC 72 is the first comprehensive review of the residential rules and is a substantial development of themes that have been explored in a range of studies, policies and in plan changes dealing with green-field development, rural residential, multi unit development, infill, character and heritage protection - some of which are discussed in the background above. The policy work included the Wellington Regional Strategy; the Urban Design Strategy; the Northern Growth Management Plan; the Airport to Ngauranga Study; the Growth Spine and various suburban centres studies. The Council also considered a number of areas for identification as potential Areas of Change.

During the initial consultation on the concept there was considerable support expressed for the idea of intensification in areas with established public transport services, network infrastructure, retail, educational, recreation and community facilities. However specific proposals for specific areas of the city attracted less support and Council decided not to proceed with the idea in a number of suburbs and to propose Areas of Change only for Johnsonville and Kilbirnie.

The Committee accepts and supports the philosophy of intensification on the basis of identifying areas with ease of access and relative proximity to the central city; leveraging off existing networks and facilities whilst maintaining the setting and character which contribute so much to Wellington’s sense of place.

The hearings have highlighted the need for more work to identify opportunities for residential intensification in other parts of the city. All of the city’s suburbs and neighbourhoods have character of their own. If development does not take into account and sustain existing character it will be resisted by communities which highly value their own streetscapes and character.

However further intensification of residential development remains central to the future sustainability of Wellington. It is arguable that previous plan changes have so constrained infill across the city that initiatives such as DPC 72 are required if any substantial intensification is going to occur in the foreseeable future.

DPC 72 however is not just about numbers (quantity) but also addresses issues of quality in respect of design and consequently the quality of living environments, streetscapes, townscapes and communities.

The Committee posed three questions:

- Is the concept of promoting Areas of Change appropriate and likely to promote sustainable management?
- Are the Areas of Change and boundaries in the right place?
- Do the proposed policies and rules strike the right balance between promoting intensification and growth and respecting existing amenity and character?

We agree that the concept is consistent with the Proposed Regional Policy Statement, underlying Council policies such as the Urban Development Strategy and Centres Policy. The concept is also consistent with the Wellington Economic Development Strategy and the New Zealand Transport Agency's approach to investment in transport infrastructure.

However the Committee agrees that the term "Area of Change" can have negative and inflammatory connotations and describes a process rather than an objective and desired outcome. These areas should (and will be) named "Medium Density Residential Areas" in the District Plan. However, in this report, they will be referred to as "Areas of Change".

Kilbirnie is a clear candidate for intensified residential development. It has a diverse population but a coherent sense of community; good community facilities and transport links; good opportunities for substantial redevelopment, especially on the bus barn site and existing developments that enable the community to understand (in broad terms) the likely shape of medium density residential development.

Johnsonville presents more challenges in accommodating an Area of Change. The challenges to development are also evident under the operative plan. These are not insurmountable and the Area of Change provides opportunities and must be seen by the Council as a trigger for investment to address deficits in community facilities and transport networks. Intensified development will underline the potential of the area and should encourage private investment that further enhances amenity in the suburb.

Major issues specific to the Kilbirnie and Johnsonville Areas of Change are summarised below and addressed in detail in the body of the report.

## **1.6 Kilbirnie**

It is significant that there were fewer submissions in respect of the Kilbirnie Area of Change than in respect of Johnsonville and none that expressed the sense of apprehension that characterised many of the submissions in respect of Johnsonville.

It is a well established and settled suburb which has good community facilities and transport links. It has already absorbed a major medium density development and the Rita Angus development is highly visible from the town centre.

It also has highly visible expressions of the area's diversity. For example a Mosque sits on the western boundary of the town centre opposite a Catholic Girls' Secondary School. A facility comprising an Indian Cultural centre and Hindu temple is also located close to the town centre.

Despite the apparent willingness of this community to accept change the community is actively engaged in debating the future of their area. The Committee supports the general approach being taken to the Area of Change.

Redevelopment within the Area of Change is intimately connected to development opportunities within the boundaries of the Kilbirnie Centre and the Committee understands that the Council is currently engaged in a public process to develop a Town Centre Plan.

The Committee considered submissions that requested changes to heights within and to the boundaries of the Kilbirnie Area of Change which is centred on the bus barn site on Onepu



Road. This site presents a major development opportunity; it is in close proximity to the Kilbirnie Centre and is in single ownership.

There are already major examples of medium density development in the vicinity and one of these developments is on the northern boundary of the bus barns site.

The owner of the bus barns site proposed an expansion of the boundaries to include properties from 52 -84 Ross Street (on the western side and forming the boundary of the Area of Change). These properties on both sides of Ross Street are on small sites and marked by a reasonably intensive development, a very high degree of coherence and distinct character.

The Committee understands work being done on the bus barns site and the Town Centre is likely to result in variations to District Plan Changes 72 and 73 to implement the findings of these processes. In these circumstances it would be premature to determine the zoning of the Ross Street properties which can be far better dealt with in the context of such variations.

### **1.7 Johnsonville**

Many submitters said the proposals were likely to undermine the character and amenity of this suburb and to place considerable stress on transport networks, infrastructure and community facilities.

The Committee believes that some of these concerns are based on a misapprehension of the proposals and on the scale, impact and speed of any development. There was also some suggestion that the precise nature of the rules being proposed were not fully understood. Other concerns are well founded and all of them are sincerely felt. The Committee was impressed by the passion that people demonstrated for their suburb and their community and agree that many existing resources and facilities are already stretched and the capacity will need to be increased.

These matters are discussed in detail in the body of the report. We would particularly note that the timing of upgrades to the road network is intimately connected to the already consented redevelopment of Johnsonville Mall. Plans for the mall redevelopment are still subject to change and any such changes could have a considerable effect on the road network. The impact of this project is far greater than that of the Area of Change and premature investment may well prove to be wasted investment. On that basis the Committee accepts the current phasing of major road improvements in the LTCCP for 2018 is an appropriate and efficient use of resources.

Deficiencies in public transport services were also identified by submitters who said that improvements in these services should be in place before any intensification of residential development. The Committee noted that a proposed public transport interchange that was included in early proposals for the Johnsonville Mall had been dropped but we also note the demonstrated relationship between quality public transport services, residential density and proximity to public transport routes. We believe that the proposed Area of Change will in time have a positive impact on the provision of public transport.

Other community facilities are provided privately and the Committee accepts that increased density of residential development will also encourage commercial and community investments.

However the adequacy of some community facilities does need to be addressed and not just described in various Council studies. We urge the Council to proceed with the investments and commitments that are set out in various documents (such as the Community Facilities

policy). We note that funding for improvements to the library and sports facilities has also been identified in the LTCCP.

Some submitters said that if implemented DPC 72 would result in a substantial degradation of Johnsonville as a place to live and some went so far as to say that Johnsonville would become a slum if the proposal went ahead. The Committee does not believe that the urban form proposed by the plan change will create a degraded urban environment or create a slum suburb. The urban form promoted by the Area of Change is demonstrably different from the areas that submitters told us represented the likely outcomes of DPC 72.

There is no doubt that Johnsonville will change over time. In common with many suburbs in and around Wellington it is already subject to considerable change. Whether the proposed changes will hasten development is an open question. It is possible that in the short term the state of the economy will inhibit developments. Irrespective of DPC 72's impact on the rapidity of change we believe it will encourage more comprehensive development that should avoid some of the adverse impacts that have occurred as a consequence of the more ad hoc development experienced prior to the passage of DPC 52.

Development projects that deliver optimal outcomes will be difficult on many individual sites and unlikely to occur under the proposed rules without site amalgamations. That alone may mean that major development is unlikely to be particularly rapid and some developments that might have taken place under the operative plan may not proceed under the new rules.

There are some quite large sites within the Area of Change but a great many of those (and many other properties) are owned by Housing New Zealand (HNZ). The Committee recommends that the Council, with HNZ, actively explores any opportunities for more comprehensive redevelopment than is likely on most privately owned sites.

The Committee unanimously agrees that the Johnsonville Area of Change should be retained but with amendments. The most significant of these is a reduction in building heights from 10 to 8 metres.

The Committee also carefully considered providing more detailed guidance in respect of site layout and design for medium density residential development in Johnsonville. This is highly desirable and a great deal of time and effort was spent considering possible approaches the Committee finally agreed that it was best considered as a variation to DPC 72. This would give the opportunity to develop a balanced regime of rules and guidance following appropriate consultation and submission on any proposals made in this regard.

## **1.8 Townscape Character and Heritage**

Many communities in Wellington are proud of and committed to the preservation of the heritage and character of their city and suburbs. They expect this to be recognised by the Council and reflected in the content and administration of the District Plan. These concerns were well reflected in submissions to the hearings.

Section 6 of the Resource Management Act (RMA) defines historic heritage as a matter of national importance that we must recognise and provide for. Heritage is protected by various instruments, not just through the District Plan, including listings under the Historic Places Trust Register and through archaeological authority applications. Those instruments apply not just to buildings and structures but also to curtilages and places.

The District Plan identifies Heritage Listings and Areas of Character (precincts) and has also chosen to control the demolition of pre 1930s buildings in certain parts of the Inner Residential Area. This control is not a Heritage Rule per se but is intended to protect streetscape and character and the setting of the city.

Nonetheless, the Committee accepts that the protection of heritage and promotion of character are intimately connected but none of the controls provide absolute protection against demolition. The RMA gives a fundamental right to lodge an application and to have any proposal decided on its merits.

Many submitters sought additional protection for various parts of the city, notably:

- Mount Victoria
- Aro Valley
- Bolton Street Heritage precinct.

Specifically some submitters sought expanding the pre 1930's demolition rule to provide for mandatory notification of resource consent applications to demolish and on demolition replacement of "like with like".

The Committee does not accept that mandatory public notification will effectively reduce the number of demolitions of pre 1930 buildings or improve the protection of character in the inner residential area. Mandatory notification would add unnecessary cost and complexity to a process that is an effective control on demolition of pre 1930 buildings and protection of character.

The current rule and level of control is viewed by the Committee as having distinct advantages. For example:

- Pre application processes mean that developers can identify impediments to demolition and Council staff can encourage exploration of alternatives. Many very positive examples of re-use of existing buildings have been achieved under these rules.
- Since the introduction of the rule in Newtown there have been no applications to demolish buildings in the suburb. In other parts of the city applications to demolish have declined and the provisions of DPC 52 have also had a significant impact on the protection of character of throughout the city and especially in the inner residential area.

The Committee accepts that there are a number of unfortunate developments in the inner residential areas but most of those identified by submitters predate the current controls. More recent examples have exposed differences of opinion among members of the Committee on architectural style. We made site visits to developments that were viewed by submitters as positive examples of the impact of the outcomes sought by submitters and others that they identified as examples of the poor outcomes permitted under current rules.

Members of the Committee did not always agree on the architectural merits of some properties in both categories but those reflected different tastes. However, the Committee did agree that these personal architectural preferences did not form a basis for the rules sought by some submitters. Responding to and respecting existing built character is not synonymous with replication and a single architectural approach. The relief sought in this respect is declined.

However the Committee accepts that the pre 1930's demolition rule should be extended to Holloway Road and that the boundary of the Bolton Street Heritage Precinct should be extended. These matters are discussed in detail in the body of the report.

## **1.9 Residential Coastal Edge**

The Committee received submissions seeking the deletion of new controls on development within the Residential Coastal Edge (RCE) Area. For example, in one submission, the submitter sought compensation if the area was not deleted.

The Committee considered that the controls were appropriate and noted that they did not prohibit development and that compensation was not warranted inasmuch as the rules did not render properties within the RCE Area incapable of reasonable use. Rather, they provided the basis for careful assessment of each proposal for development within the area.

Submissions were also made seeking exclusion of specific properties from the Residential Coastal Edge Area. For example, the owners of a large property on the east of Houghton Bay have applied for consent to subdivide. The Committee was highly sympathetic to the approach which included covenants. The Committee felt that if the development went ahead it would sit lightly on the site and in many ways it was consistent with the principles that underpin the proposed rules for the Residential Coastal Edge.

The Committee considered several possible responses to the submission but in the final analysis agreed that the subdivision consent had not yet been granted and may not proceed. To exclude the site from the controls would open the possibility of a different proposal for development in the future. A new and different proposal would not necessarily be as sensitive a response to the environment as that which was described by the submitter.

Should the current application for subdivision be consented, the Committee considered that there are measures available to Officers that should go some way to satisfying the submitter's concerns. These are detailed in the body of the report.

The provisions of District Plans are the means by which Councils control inappropriate development and protect the coastal environment from adverse effects of development. We had to ask ourselves if it was unreasonable that resource consent should be required for developments within the Residential Coastal Edge. The Committee believes that it is a reasonable and necessary requirement that will enable proposals for development to be judged on their merits.

### **1.10 Residential Design Guide and Residential Standards**

A small number of submissions sought amendments to the design guide to more accurately reflect the character, streetscape and amenity of the Aro Valley. The Committee agreed that the content of descriptions developed during the mediation of DP 50 should be included in the Aro Valley Appendix to the Residential Design Guide (RDG).

The Committee agreed with Officers that the design guide does not provide detailed descriptions of every part of the city and that it is not intended to do so. It provides a framework for the assessment of proposals that may impact on character and amenity of established residential neighbourhoods and the flexibility to deal with the myriad differences of residential character throughout the city.

There were also submissions commenting on, and seeking amendment to, the Residential Standards and these wide ranging issues were considered in detail in the body of the report. Some of these submissions were highly technical in nature and others raised some quite fundamental questions regarding built form and site development in residential areas.

It was not possible to deal with all the issues canvassed during some wide ranging discussions during the hearing. Not all of these matters were addressed in submissions and others were beyond the scope of the notified plan change.

Consequently, the Committee was limited in its ability to respond. Not because the issues identified were not valid but because we did not have the scope to deal with them.

However the Committee also believes that some underlying tenets of the RDG and the Residential Standards do need re examination. For example, there may be a need to develop additional guidelines, for specific character areas, as appendices to the RDG. In

addition, some residential area standards, such as sunlight access planes, setbacks, site layouts, provision of parking, building orientation and site access, may require further review.

This could be a large body of work and may require considerable resources for its completion but it is important this work is considered holistically and not in piecemeal fashion. This should form part of the ten year review of the District Plan.

### **1.11 Noise**

Major issues associated with noise traversed three areas; Airport noise, noise generated by Highways and the noise effect of coarse road surfacing on busy residential streets.

The Committee agreed with submissions seeking changes proposed to the definitions of “habitable rooms” and “noise sensitive” activities within the Airport Noise Boundary. The Committee also accepted submissions seeking clarifications to insulation standards within the boundary.

The Committee rejected a submission that sought mandatory noise insulation for properties within 100 metres of State Highways and recognition of the importance of SH1 when considering minimising the effect of road traffic noise on residential areas adjacent to SH1. Significant numbers of properties were potentially affected by such an amendment and the Committee felt this would be better addressed by a separate Plan Change and consideration of the issues at a national level.

The Committee debated at length a submission that sought to amend the Residential Policies and Rules to recognise the potential additional road noise when asphalt paving was replaced with chip-seal. There were differences of opinion as to whether road maintenance and asset protection was appropriately addressed in the District Plan but the Committee agreed that the increase in effects was relatively modest and that the proposed rule was neither justified nor optimal in terms of achieving the core objectives of the residential area.

### **1.12 Conclusion**

A wide range of amendments have been made in response to submissions but these do not undermine the intent of DPC 72 as notified. In the main these amendments are in the nature of fine tuning or clarification and even where they maybe quite significant they are consistent with the underlying philosophy of DPC 72 and no amendments are proposed to the core elements of the plan change.

The plan change is a development of the Operative District Plan, it is consistent with the Council’s strategic and policy direction; it gives effect to the Proposed Regional Policy Statement and sustains Wellington’s setting, character, and compact urban form into the future.

**WELLINGTON CITY COUNCIL  
REPORT OF HEARING COMMITTEE**

**SUBJECT:**

PROPOSED DISTRICT PLAN CHANGE 72 – RESIDENTIAL REVIEW

**COMMITTEE MEMBERS:**

COMMISSIONERS: ALICK SHAW (CHAIR), DAVID MCMAHON,  
COUNCILLORS: LEONIE GILL AND RAY AHIPENE-MERCER

**DATE OF HEARING:**

26 APRIL – 11 JUNE 2010

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**2. RECOMMENDATION**

Based on the Committee's consideration of all the material before us including the section 42A report from the Council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32, it is recommend to the Council that:

- (a) District Plan Change 72 (DPC 72) is approved as notified, except in relation to the matters identified in this decision report, where some minor changes have been recommended.
- (b) Accept or reject all the submissions and further submissions to the extent that they accord with Recommendation (a) above.
- (c) The Committee encourages the Council to consider the wider and non-statutory suggestions made by this Committee and submitters. These include:

*Medium Density Residential Areas ('Areas of Change')*

- i) Further intensification of residential development remains central to the future sustainability of Wellington, and the Council is urged to continue identifying and providing opportunities for residential intensification (in the form of medium density residential development) in other parts of the city (such as Tawa, Newlands, Crofton Downs, Karori, Luxford Street (Berhampore) and Miramar), but with careful analysis and area specific controls for each new area. Comprehensive consultation on the other parts of the City suitable for medium density residential development is required before any plan changes are contemplated.
- ii) Investments and infrastructure commitments set out in various documents (such as the LTCCP and the Community Facilities Policy) should continue to be committed to and implemented. This is particularly critical at Johnsonville. But also applies to Kilbirnie and any other contemplated locations. Such investments and commitments will ensure the Medium Density Residential Areas provide for existing and future needs of the local communities.
- iii) The Council continue to develop and consult on a Residential Urban Design Guide specifically for Johnsonville. The eventual design guide should be inserted as an appendix to the RDG via a future plan change or variation
- iv) The Council actively explores with Housing New Zealand, opportunities for comprehensive redevelopment on sites in Johnsonville owned by the

Corporation so as to achieve high levels of design and amenity as anticipated by the RDG.

- v) The Council should review whether 52 -84 Ross St, Kilbirnie is in the Medium Density Residential Areas 1 (Kilbirnie) following the completion of the Kilbirnie Town Centre Study. Similarly, and as part of DPC 73 Council should (also via the Kilbirnie Town Centre Study) investigate an appropriate height regime for the bus barns site. Both the Ross Street and bus barn matters should be the subject to a separate alteration (plan change or variation) to the District Plan to reflect the outcomes of the Kilbirnie Town Centre Study.

#### *Recession planes*

- vi) The Council should undertake an investigation of the building recession plane provisions in the Residential Area of the District Plan, with an aim to better maintain and enhance character in many areas of the city, especially in older suburbs, whilst continuing to protect the amenity values for neighbours. The results of such investigation should be promulgated via a plan change to the District Plan.

#### *Character Areas*

- vii) Following on from (vi) above, there are areas of the city that have character and townscape values worthy of additional protection than is currently provided for in DPC 72. The Council should continue to identify and protect these areas from inappropriate subdivision and development. This will need to involve ongoing plan changes.

#### *Noise*

- viii) The Committee is sympathetic to the New Zealand Transport Agency's request that would require all residential buildings adjacent to the SH1 network to be acoustically insulated; however the solution proposed by the Agency involves a significant shift in policy that has not been provided for by DPC 72. Given the significance of this issue, there needs to be ongoing consultation between the Council, the Agency and other stakeholders on appropriate solutions. Any solutions identified will need to be addressed as part of a separate plan change process.
- ix) Wellington International Airport's strategy for proposed noise insulation provisions applying to properties in the vicinity of the airport was presented for the first time at the hearing. Whilst these provisions may have some merit, the Committee considered that it was beyond the scope of the original submission and should more appropriately be dealt with as a separate plan change. Ongoing consultation with WIAL and relevant stakeholders is recommended prior to any plan change being promulgated.

#### *Residential Coastal Edge (RCE)*

- x) Land on the eastern edge of Houghton Bay (as identified on the map under section 4.8 of this report) is presently subject to the more restrictive 'Residential Coastal Edge' provisions given its high coastal landscape values. The land is presently being subdivided, however there is no certainty that development will occur in a manner which recognises the important landscape values of the site. If however the development occurs in accordance with the plans as proposed, Council is advised that a plan change could be initiated once the certificates of title have been issued to re-align the boundary of the RCE to

follow the northern boundary of Lot 9, thereby removing the land from the RCE.



### **3. INTRODUCTION**

#### **3.1 Recommendation Overview**

This report relates to Proposed District Plan Change 72 (DPC 72) – Residential Review.

DPC 72 was publicly notified On 29 September 2009.

DPC 72 was a Council initiated plan change and the purpose of the plan change was to provide a full review of the residential chapters of the District Plan. All aspects of the Residential Area chapters were open to submission. The plan change also covered definitions, design guides and maps associated with the Residential Area.

The plan change sought to build on those aspects of the operative District Plan that had resulted in improvements in the quality and amenity Wellington's residential areas. It builds on the Council's current strategic and policy directions, and 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.

In total, 366 submissions and 15 further submissions were received on the plan change. The names of the submitters and further submitters are listed in Appendix 2.

The submission of the Johnsonville Progressive Association (Submitter 337) was accompanied by a 140 page petition opposing the Johnsonville Area of Change.

The Hearing for DPC 72 was held at Council offices over 14 days between 26 April and 11 June 2010, in conjunction with the hearing of District Plan Change 73 (Suburban Centres Review).

Members of the Hearing Committee declared certain conflicts of interest resulting from submissions lodged on District Plan Change 72. As a result Commissioner Shaw took no part in the hearing and deliberations relating to the submissions and further submissions of the New Zealand Transport Agency (submission 57, further submission 9). Commissioner Gill identified a conflict of interest in relation to the submissions of Alexander George Limited (submission 43), Wellington International Airport Air noise Management Committee (submission 79), Wellington International Airport Limited (submission 80) and Board of Airline Representatives (FS3) and took no part in the hearing and deliberations arising from those submissions.

Commissioner Ahipene-Mercer abstained from the deliberations regarding Millward Lane, Newtown (resulting from submissions 28 & 58) on the grounds that he had previously sat on a resource consent hearing for these properties involving similar issues.

At the onset of the hearing, Jeremy Blake, Luke Troy and Paul Kos spoke to the officer's report on the plan change.

58 submitters appeared at the hearing and spoke to their submissions

- Fred Wotton (submitter 33)
- St Brigid's School (submitter 178) – Robert McLean, Graeme Cooper

- St Peter and Paul Parish (submitter 179) – Robert McLean, Graeme Cooper
- Ingrid Ward (submitter 150)
- Johnsonville Progressive Association (submitter 337) – Graeme Sawyer, Tony Randle
- New Zealand Association of Radio Transmitters (submission 73) – John Andrews
- Ruth McKendry (submission 155)
- New Zealand Institute of Surveyors (submission 56) - Dave Gibson
- Ironmarsh Trust (submission 71) - Dave Gibson
- I.R. Reid (submission 72) - Dave Gibson
- Woodridge Estates Ltd & Woodridge Holdings Ltd (submission 54) - Dave Gibson, Rhys Phillips
- Cardno TCB (submission 55) - Dave Gibson, Rhys Phillips
- John Pavan (submission 84)
- Bruce White (submission 46)
- Michael Taylor (submission 69)
- Shirlee Allerby (submission 7) – Shirlee Allerby, Murray Allerby
- Peter Coop (submission 74) – Alex Roberts, Malcolm Hunt, Peter Coop
- Spencer Holmes Limited (submission 52) – Hudson Moody
- Glenside Progressives Association (submission 64) – Claire Bibby
- Greater Wellington Regional Council (submission 361) – Rachel Pawson, Lucy Harper, Sharon Westlake
- Victoria University of Wellington (submission 23) – Peter Coop
- Ian Hutchison (submission 172)
- Russell Franklin (submission 49)
- Best Farms Limited (submission 45) – Rod Halliday
- No Trust Limited (submission 53) – Laurence Beckett
- Mt Victoria Residents Association (submission 27) – Kent Dustin, Craig Palmer
- Monique Watson (submission 135)
- Alexandra George Limited (submission 43) – Alastair Aburn
- Scots College (submission 41) - Alastair Aburn, Neil Bromley, Keith McGavin
- Queen Margaret College (submission 39) - Alastair Aburn, Annette Lendrum
- Samuel Marsden College (submission 40) - Alastair Aburn
- St Mark's Parish Property Trust (further submission 14) - Alastair Aburn
- E Street Associates (submission 42) - Alastair Aburn, Nick Field, Ian Kerney
- Brentwood Hotel (submission 31) - Alastair Aburn
- Phillip Black (submission )
- Craig Palmer (submission 362)
- Rosamund Averton (submission 13)
- Pauline Weston Webb (submission 22)
- Louellen Bonallack (submission 83)
- Transpower New Zealand Ltd (submission 363) – Nicola Cordner
- Tracey Hurst-Porter (submission 192) – Tracey Hurst-Porter, Guy Ockenden
- Brianna Hurst (submission 189) – Tracey Hurst-Porter, Guy Ockenden
- Roger Hay (submission 366)
- Tony Randle (submission 355)

- Cockburn Architects(submission 28) – Daryl Cockburn, Bill Toomath, Julie Genter, John Gray, John Abbate
- Cycle Aware Wellington (submission 58) – Daryl Cockburn, Alastair Smith,
- Living Streets Wellington (submission 59) – Daryl Cockburn
- Action for the Environment (submission 36) – David Lee
- New Zealand Transport Agency (submission 57) – Angela Penfold, David Arrowsmith, David Lee, Claire Simmitt
- Graeme Sawyer (submission 209)
- David Gibson (submission 70, further submission 15)
- Infratil Infrastructure Limited (submission 44) – Alastair Aburn
- Roland Sapsford (submission 60) – Roland Sapsford, Lisa Thompson, Jane O’Loughlin, Liz Banas
- Wellington international Airport Limited (submission 80) – Morgan Slyfield, Mike Brown, Nick Petkov, Laurel Smith
- Wellington Air Noise Management Committee (submission 79) - Morgan Slyfield, Mike Brown, Nick Petkov, Ms Smith
- Johnsonville Plunket New Facilities Project (submission 346) – Rachel Watson, Julie
- Board of Airline Representatives NZ (further submission 17) – Liz Hardacre, Stewart Milne
- Hamish Dahya (submission 351)

Jeremy Blake presented the officers reply to the Hearing Committee on Friday 11 June. As part of the reply Stephen Quinn, Stavros Michel and Steve Wright spoke on the issue of road surface noise, and Paul Kos spoke on the methodology and research undertaken to identify the proposed Areas of Change.

The Hearing Committee deliberated for five days over the period from 22 June to 2 July 2010. Site visits were undertaken on the 29 June 2010. The Hearing Committee re-convened on the 19, 23 and 30 July 2010 to further consider and refine recommendations made during deliberations. The Hearing Committee report was completed between 2 and 10 August 2010.

The following discussion sets out the key issues and the Committee’s reasons for making its recommendations.

In reaching these recommendations the Hearing Committee gave careful consideration to all the issues raised by submitters, including those issues raised in evidence by the individuals and expert witnesses who appeared before the Committee. The Hearing Committee had access to full copies of all submissions and further submissions, and referred to these during the hearing and deliberation processes.

In drafting this recommendation the Hearing Committee adopted a standard format, structured around the issues raised. For each issue raised in submissions the format involves:

- Submissions – specific issues raised in submissions
- Discussion – including details of matters raised in the hearing
- Recommended Decision(s) – listed by submission

To assist readers the recommendation report has, where possible, been structured to follow the hierarchy of the District Plan itself. The report begins with consideration of the high level objectives and policies contained in Chapter 4, then drops down to the rules, standards, and appendices contained and Chapter 5.

## 4. SUBMISSIONS AND DISCUSSION

The submissions received have been grouped below by issue. The key issues raised and the Hearing Committee's recommendations on the submissions are addressed in sections 4.1 – 4.28 below.

### 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 was accepted. The Hearing Committee did however note that the support of these submitters may be tempered by amendments made to the plan change in response to other submissions.

##### Recommended Decision

- (vi) **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 opposed DPC 72 in its entirety, but did not provide specific details as to which parts of the plan change they opposed. **Submissions 151** and **152** objected to the consultation process undertaken and requested that the consultation process be extended.

The Hearing Committee did not support withdrawing DPC 72. The Committee noted that the plan change was 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. The Committee considered that it was a robust document that had been informed by a substantial amount of monitoring, investigation, analysis and testing.

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

The Hearing Committee therefore concluded that DPC 72 should be retained. In reaching this recommendation the Committee did note that amendments made elsewhere in the recommendation report may go some way to easing the concerns of these submitters.

#### Recommended Decision

- **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 prohibited in the suburb. (**submission 27**)
- 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 raised 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 the Hearing Committee considered that it was useful to consider the results of Council's previous efforts 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 provided for some degree of green-field expansion north of the city, the focus was to facilitate urban containment by providing for residential intensification in all areas of the city. The Committee noted that 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 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. 35m<sup>2</sup> for Inner Residential areas, or 50m<sup>2</sup> 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. The Hearing Committee noted that feedback from the Council's resource consent planners indicated that DPC 56 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 supported this approach).

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.

The Committee noted that DPC 72 brought together both elements of the Council’s strategy of managing infill and multi-unit development into a single statutory planning framework.

**Submission 51** sought a relaxation of Council’s policies to enable infill housing throughout the city. In response the Hearing Committee noted that DPC 72 retained 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. The Committee considered that this approach is appropriate.

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

**Submitter 27** (Mt Victoria Residents Association) spoke to the hearing. The submitter considered that multi-unit developments should not be permitted and noted that there are very few examples of good quality multi-units in the area.

The Committee did not support the inclusion of policies to encourage high density residential development surrounding the CBD, on the grounds that 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. The Committee considered that it would be difficult to protect these values while also pursuing a specific policy of urban intensification, and noted that the CBD itself provided significant scope for further residential intensification.

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

**Submissions 13, 83, 87, 95, 105, and 229** either opposed further infill and multi-unit development, or sought 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 requested 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** supported this submission.

In response, the Hearing Committee considered that DPC 56 had been effective in terms of allowing a more balanced assessment of infill and multi-unit developments, with a stronger focus being placed on issues of residential amenity and neighbourhood character. However the Committee noted that DPC 56 had only been operative for nine months, so as yet there was little physical, ‘on the ground’ evidence of the effectiveness of the new controls. The Committee considered that the provisions of DPC 56 should be given an opportunity to bed in before any significant changes were 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** requested that any new development be required to conform to the height and footprint of its immediate neighbours (i.e. the four houses on either side). The Hearing Committee agreed 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 the Committee noted that 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 the Committee considered that this matter was most effectively dealt with by way of the urban design assessment for new multi-unit developments, and noted 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** requested that all building consents should be subject to neighbours' approval. In response the Committee noted that building consents and town planning are separate processes managed under separate legislation, and that DPC 72 could not influence the application of the building code. The Committee also considered 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 was to ensure that the threshold for such works is set at a level that appropriately balances the potential impact of those works on adjoining property owners.

#### Recommended Decision

- **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 communal/shared open space. (**submission 43**)



- 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 Change 56 (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.

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

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

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

- a) Reinstatement of the definition of infill household unit inserted by DPC 56. This involved removing the reference to 'site area' from the definition, so that the site area cut-off of 800 sq.m applied as per the original intent of DPC 56. Further **submission 10** opposed this change sought by **submission 55**.
- b) Amending the definition of 'multi-unit development' so that over height 'infill household units' did not become multi-units by default. Officers agreed that requiring a full multi-unit assessment to be undertaken for an over height infill unit is unduly onerous, especially if the height breach was minor. Instead Officers considered that over height infill units could 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 should 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** requested 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 requested:

- that the wording of the policy be amended 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'.
- replacing references to 'site area' in the explanation with 'land area'
- amendments to the wording of the fifth paragraph of the explanation to deal with sites of exactly 800 sq.m
- amendments to 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.
- amendments to the seventh paragraph of the explanation to clarify that over height infill units are not considered as multi-unit developments.

Officers supported 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 did consider that the policy should refer to "avoid or mitigate", rather than just mitigate.

**Submitters 55 and 56** (Cardno TCB Ltd and NZ Institute of Surveyors) appeared at the hearing and indicated that they were comfortable with the changes suggested in the officer's report. The Hearing Committee agreed that the proposed changes were appropriate, and accepted the officer's recommendations.

**Submission 43** sought amendments to the policies regarding infill 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)*

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

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

**Submission 45** was concerned that the multi-unit rules would unnecessarily impact on future multi-unit development undertaken in the 'greenfield' areas north of the city. The submitter was 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 requested that multi-units on 'greenfield' sites be excluded from the height limit contained in the non-notification statement.

In response Officers noted that the structure of the current rule did not require notification of any consent involving buildings over 4.5 metres in height. 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 acknowledged that the current non-notification provisions were intended to enable Council to manage the development of multi-unit developments in established urban areas. They were less relevant to the northern growth areas where the urban form was established as sites are developed. Officers recommended adding the following text to the explanation of policy 4.2.4.2 to help 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 did 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 transitions to being an established neighbourhood where consideration of effects on neighbouring properties becomes more relevant. Instead of amending the non-notification statement Officers considered that a better approach was 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.

**Submitter 45** (Best Farms Ltd) spoke to the hearing and noted that the development of Lincolnshire Farm contained provision for some higher density areas. The submitter expressed concerns that considering two units as a 'multi-unit development' would constrain options for the future, particularly if consents triggered the need for public notification.

In responding to this submission the Hearing Committee noted that the changes recommended by officers would remove the need for two unit developments in the Outer Residential Area to go through a multi-unit design assessment, and that this should go some way to addressing the submitters concerns. On the remaining issues the Committee considered that the amended policy explanation suggested by Officers was the most appropriate way forward for managing more intensive residential development in green-field areas.

**Submission 43** requested 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 supported this suggestion, on the basis that it provided some flexibility to consider different design options, without compromising the over-arching intent that new development compliments 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.*

**Submitter 43** (Alexander George Limited) appeared at the hearing and endorsed the changes recommended by Officers. The Hearing Committee noted the support and agreed that the proposed re-wording was appropriate as it enabled consideration of different design responses when considering the effects of new residential development.

#### Recommended Decision

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

Officers accepted 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 had concerns that the proposed alternative wording went too far in the other direction and could potentially undermine the intent of the policy.

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

**Submitter 55** (Cardno TCB Ltd) spoke to the hearing, and indicated that while they considered that the amended wording was an improvement, it was not sufficient to resolve their concerns. In particular the submitter noted that the policy required that any

expansion be able to be adequately supported by existing infrastructure, and made no provision for situations where the existing infrastructure may need to be upgraded in order to provide for the expansion. The submitter requested that the explanation be amended by removing the reference to 'existing' in the third and fourth bullet points.

The Hearing Committee did not agree with the submitter that the term 'existing' should be removed from the third bullet point. The Committee considered that it was reasonable to expect that any future urban expansion should provide for the efficient use of existing infrastructure.

In relation to the fourth bullet point the Committee accepted the submitter's argument that urban expansion would by its nature require some provision of additional infrastructure. In the Committee's opinion the key question when considering the merits of urban expansion was whether there was sufficient redundant capacity in the existing infrastructure to adequately support the proposed expansion. The Hearing Committee therefore considered that the explanation should be amended 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*~~
- *there is sufficient redundant capacity within existing infrastructure to support the expansion*
- *the expansion will incorporate low impact urban design, low impact subdivision and facilitates energy efficient building design*

### Recommended Decision

- **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 oppose 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 constitutes 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, and 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, consults community groups, and makes 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 could be roughly broken down into those submissions that supported or opposed the strategic and philosophical approach of identifying Areas of Change, and those submissions that comment on the detailed provisions applying to the Areas of Change, such as policies, rules and boundaries. **Further submission 13** (Johnsonville Progressive Association) lodged an overarching further submission that supported those submissions that



opposed the Johnsonville Area of Change, and opposed those submissions that supported 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.

**Submitter 155** (Ruth McKendry) spoke to the hearing and raised concerns that Johnsonville had been singled out as an Area of Change. The submitter considered that the Area of Change would exacerbate problems likely to be created by the development of a larger mall. The submitter was concerned that intensification would drive down property values and that new residential development would be of low quality. The submission expressed concerns that Johnsonville would become a “dumping ground”.

**Submitter 337** (Johnsonville Progressive Association) spoke to the hearing at length and was representative of those submitters who challenged the Johnsonville Area of Change. The submitter noted that while they did not oppose the concept of the area of change per se, they did oppose its application to Johnsonville. The submitter challenged the assumptions behind the Johnsonville area of change, and considered that the process for developing the Johnsonville area of change was fundamentally flawed.

The submitter considered that Council should focus residential growth within 5km of the central business district, in Greenfield areas and in areas where residents supported the proposal.

The submitters considered that the consultation process for the area of change was inadequate given the potential for the changes that:

- affect people’s property rights
- result in changes to the community
- result in bigger buildings closer to the boundary as of right
- negatively impact on property values,
- have a significant impact on existing infrastructure
- result in a significant rise in parking pressure.

The submitter considered that consultation had resulted in residents becoming confused as a result of the number of issues being consulted on at the same time; including the Johnsonville Town Centre Plan, the resource consent application for the new mall development and the Areas of Change. The submitter noted that the Association did not have the resources to deal with all of the consultations, and subsequently requested a six month time extension to the submission process on DPC 72; however they advised that this had been declined by Council resulting in the Association having to focus its resources on the PC72 submission and hearing process.

In addition, this submitter considered that the information on the plan change was buried deeply in the Council’s website, which was very frustrating for the public trying to access the details of the plan change. As a result, the Association felt it had to undertake consultation that the Council should have undertaken. The submitter noted that support for the area of change approach had continued to decline over time and questioned whether Council still had a mandate to pursue the approach.

The submission also challenged the validity of growth projections increasing from 44,000 to 51,000 new residents. In the submitter’s opinion Johnsonville was unfairly being asked to accommodate 75 percent of the burden for growth in Areas of Change, when the suburb only makes up six percent of the city’s population. In the submitter’s opinion the Areas of Change should be more equitably spread across the city.

The submitter had serious concerns about Johnsonville’s ability to accommodate the additional growth resulting from the Area of Change. The submitter noted that infrastructure and services within Johnsonville were already under stress and that the Area of Change would exacerbate existing problems. The submitter identified congestion, transport and parking as being key problems, but also noted that schools, parks, playing fields and other services were also at or near capacity.

The submitter noted that Johnsonville served as the key centre for the wider northern growth area. As the green-field expansion rolled out Johnsonville would come under increasing pressure, which would be made worse by the Area of Change.

The submitter raised serious concerns that there was a disconnection between the Area of Change and other planning in Johnsonville around parks, traffic and public transport. In particular the submitter was concerned that Council had not committed to the infrastructure improvements needed to successfully deliver the Area of Change. The submitter considered that Council should approach the Areas of Change in the same manner as it approaches green-field development i.e. have a definite plan and timing for rolling out the services and infrastructure needed to support the growth.

The submitter noted that Council had no definite plan to improve or up-grade parks in and around the Johnsonville Area of Change. The submitter also noted that money set aside for roading improvements in Johnsonville was not due to be released until 2018. The submitter considered that the roads should be upgraded before the Area of Change was put in place, not eight years after.

The submitter noted that Johnsonville had a strong car culture and that the area of change would not change this. The submitter considered that there was little likelihood of residents within the Area of Change embracing car-free living, particularly in the areas east of the motorway which had very poor walkability.

The submitter was concerned that roading improvements tied to the re-development of the mall would result in a loss of on-street car parks, and noted that the mall proposal no longer included provision for a park-and-ride. The submitter considered that this would result in increased pressure for parking on the residential streets around Johnsonville town centre, which would be made worse by the intensification facilitated by the Area of Change.

The submitter also challenged Council's assertion that Johnsonville had good quality public transport. In the submitter's opinion public transport in Johnsonville was a mess, with a slow, antiquated train service and irregular bus schedules. Compared to the other areas of Adelaide Road and Kilbirnie, the submitter considered that Johnsonville's public transport services were very poor.

The submitter raised concerns at the ability of Council officers to adequately manage the quality of development, and was particularly concerned that the rule structure provided the ability to increase heights without notification. The submitter considered that the rules in the District Plan would always over-ride design based controls, so were unconvinced that officers would be able to deliver development that provided for good design outcomes.

In conclusion, the submitter considered that the research, process and consultation leading to the Johnsonville Area of Change was fundamentally flawed, and that the only viable option was to withdraw the proposal to enable further work and further consultation.

**Submitter 150** (Ingrid Ward) spoke at the hearing. The submitter lives at 57 Bould Street, within the proposed Area of Change. The submitter considered that the Johnsonville area of change was not substantiated by international and national research, and that the proposal did not fit with Council's own regional growth policy.

The submitter noted that in Johnsonville there was already considerable traffic congestion and parking pressure caused by commuters, and that Johnsonville was already reasonably well served in terms of housing choice. The submitter also considered that while new units might be well designed, the overall density would still result in negative effects for the community.

The submitter also considered that the consultation carried out was inadequate and that the proposed changes would disadvantage Johnsonville residents.

**Submitter 84** (John Pavan) spoke to the hearing. The submitter owns a large area of undeveloped land on the eastern side of the motorway and considered that there was significant scope to develop land under the Area of Change provisions.

**Submitter 55** (Cardno TCB) spoke to the hearing and noted their support for the Area of Change concept.

**Submitter 57** (New Zealand Transport Agency) spoke to the hearing on a range of matters relating to the State Highway network. In response to questions from the Committee, the submitter noted that NZTA was proposing to upgrade the hard shoulder from Ngauranga to Aotea Quay to allow it to be used as an additional lane during peak times, as part of its Roads of National Importance programme. The submitter considered that the hard shoulder running work would help ease congestion on traffic moving through Ngauranga Gorge, which would have flow on benefits for traffic moving to and from the Johnsonville town centre.

**Submitter 361** (Greater Wellington Regional Council) spoke to the hearing and reiterated their support for the area of change concept. The submitter noted that the principle of intensifying development around existing town centres was consistent with a range of policies within both the proposed Regional Policy Statement and Wellington Land Transport Strategy (2007-2016). These policies seek to ensure the efficient use of existing infrastructure, and to improve the integration between land use and transportation.

**Submitter 46** (Bruce White) spoke to the hearing and raised concerns that the Council was only proceeding with two Areas of Change. The submitter considered that this created the risk that intensification would be 'shoe-horned' into just a couple of areas. The submission also raised the question of whether focussing on Areas of Change could be used as a policy argument to discourage intensification in a variety of other locations that would otherwise be very suitable for more intensive development. The submission did not support the proposed Areas of Change, and would prefer to see a reworked version of DPC 56 (Managing Infill Housing Development) applied appropriately across all of the suburbs to provide a degree of flexibility and reduce the risk of bad outcomes. The submitter also raised concerns that the main cost of pursuing Areas of Change would be through lost opportunities in other parts of the city.

**Submitter 135** (Monique Watson) spoke to the hearing and advised that she opposed the Johnsonville area of change for a number of reasons:

- consultation had been rushed through
- increased pressure on roads and motorways
- growth should be focused in areas closer to the CBD
- roads were often already very full especially Philip Street, Wanaka Street and Dr Taylor Terrace
- there was already heavy congestion at key times, especially at school pickup and drop off which results in increased hazards for children and pedestrians
- traffic would become worse on Cortina Ave
- all of the schools in area were already at capacity
- the area of change would ruin the village character of Johnsonville

At the very least, the submitter expected a clear commitment from Council regarding the provision of infrastructure.

**Submitter 83** (Louellen Bonallack) spoke to the hearing and raised concerns regarding the Johnsonville area of change, particularly that traffic effects which are already bad were likely to get worse.

The submitter considered that Johnsonville did not have a tradition of centre living and was unlikely to develop a culture of urban living with a focus on walking.

The submitter accepted that some degree of infill was likely but was concerned that proposed development controls are too targeted towards developers. The submitter was

concerned at the scope for three storey residential developments, irrespective of the quality of design.

The submitter also considered that additional housing on Bould Street and surrounding streets would be a problem in terms of access. The submitter would prefer an approach that gave greater recognition to existing character and residents.

**Submitter 192** (Tracy Hurst-Porter) spoke to the hearing. The submitter considered that change was good, providing it is natural. The Area of Change proposed to introduce a foreign element into the suburb. The submitter was concerned that development would be taken over by professional developers who would be driven by profit, rather than by local residents and amenity.

The submitter noted that the plan change felt like an attack on the local community, and that Johnsonville was being asked to take on growth and change that was not being proposed elsewhere. The submitter would prefer the area of change to be part of a larger discussion about where growth should go in the city.

The submitter considered that Johnsonville was not well suited to development over two storeys, and noted that the proposed controls provided no certainty as to where buildings and open spaces would be located and what buffers would be provided to adjacent sites. The submitter was concerned that the proposal would result in current residents moving out, and considered that the proposal was a social experiment that may or may not work.

The submitter was also concerned about the ability for Johnsonville to accommodate significant growth, as traffic and parking congestion is already an issue. Current services are struggling to keep up and public transport was relatively poor.

The submitter considered that there were too many 'what ifs' around the provision for traffic and parking, the type of development, the size and scale of buildings, and the character of the area.

The Council needed to demonstrate that capacity and facilities would be provided if change was to occur. The submitter considered that it would be difficult to make roads and streets much wider than they already are, so it was difficult to increase capacity.

The submitter noted that while the current Outer Residential rules weren't perfect, they at least provided owners with more protection. The submitter considered that if the Area of Change was retained, then it was critical to allow neighbours to have their say through the resource consent process.

The submitter was concerned that the Area of Change would simply magnify the issues that the community already had with infill and intensification, and considered that it would be helpful if the design guides were strengthened to improve chances of getting good outcomes.

The submitter noted that the high level of apprehension in the community is driven by uncertainty as to what the changes actually mean.

**Submitter 366** (Roger Hay) spoke to the hearing and expressed support for the proposals for urban intensification, but raised questions on how it is to be achieved. Johnsonville is the right area for intensification as development could be north facing and use the topography to allow units to look out over each other. The submission considered that it is the ageing population that will drive change in the requirements of the housing stock.

The submitter considered that if the Council reverted back to the Operative District Plan controls, then there would be continued deterioration of the urban form, which was likely to be piece-meal, less coherent infill development.

**Submitter 355** (Tony Randle) spoke to the hearing and expressed concern that the officer's report did not individually refer to submissions on the area of change, including his own.

The submission raised a number of key themes including:

- the selection of the Areas of Change and their location
- consultation and engagement
- infrastructure
- character

The submitter referred to Council's previous consultation undertaken in 2007 where 83% of respondents supported the Areas of Change. The submitter noted that support for Areas of Change had continued to weaken as the proposal has moved through the different stages of the consultation process.

The submitter discussed the selection of Johnsonville as an area of change and noted that Johnsonville was not like Adelaide Road or Kilbirnie in that it was suburban not urban, and was a settled family area. The submitter considered that planning in Johnsonville did not properly support the suburban character.

The submitter noted that Johnsonville was 10km from the CBD and 150m above it, and that it had limited local employment, mainly retail. Conversely Kilbirnie was located close to the airport and hospital and also to Miramar.

The submitter was not convinced that intensification around Johnsonville would be attractive location for many demographics, as it has poor access, bad weather and poor facilities.

The submitter commented on the difference between the provision of public transport at Johnsonville and Kilbirnie and questioned why Johnsonville is being earmarked for three times the growth of Kilbirnie, when provision of public transport to Kilbirnie is far superior. The submitter also commented on car ownership rates in Johnsonville and the mode to work statistics (taken from census data) for Johnsonville, Kilbirnie and Tawa, and stated that Johnsonville did not stack up in terms of public transport and usage. The submitter commented that passenger levels on the Johnsonville train service were declining.

The submitter considered that the Johnsonville area of change extended well beyond the 5-10 minute walk zone, with some areas being at least 15 minutes from the train station. The submitter considered that residential intensification in Johnsonville would increase traffic speed, and endanger pedestrian safety making it harder to access public transport and services. Overall the submitter considered that the Johnsonville Area of Change would ultimately discourage car-free living.

The submitter supported the Johnsonville mall application as the town centre requires revitalisation and this would only happen if a private developer stepped in. The submitter raised concerns that there would be no roading upgrades in Johnsonville other than the roads directly around the mall site. The roading currently provided for was far below the standard required in 'greenfield' development and residential parking standards were insufficient to deal with likely demand given existing car ownership rates in the suburb. The submission raised concerns that money for roading improvements in the LTCCP are not earmarked until 2018. Council should upgrade the infrastructure first, before any Area of Change was implemented.

The submitter raised concerns at the lack of examples/precedents for intensification around other suburban centres, and questioned whether officers would be able to deliver quality urban design outcomes. The submitter raised concerns at the height of buildings on Sheridan Terrace and considered that 10-13m tall buildings was too tall as it would leave many existing properties without sunlight.

In summary, the submitter considered that the consultation undertaken was poor and that the Council was not listening. Johnsonville is a poor location and should not be the 'dumping ground' of the City.

**Submitter 209** (Graeme Sawyer) spoke to the hearing and noted the significant cost to Johnsonville regarding the Johnsonville Area of Change. The submitter considered that

the Johnsonville area lacked a cohesive plan for the future, and that the community was still waiting for an open space plan for the area. The submitter considered that a plan was needed prior to committing to intensification.

The submitter was concerned that the proposal would result in existing building stock being devalued to almost nothing. The submitter noted that the area was already subject to significant parking pressure, pressure on roads and pedestrian spaces, and that this would be exacerbated by the proposed changes.

The submitter was concerned at the potential for greater intensity than was permissible under the general Outer Residential controls, and feared that the proposed changes would result in a significant increase in transient population with new development being focused on lower end, cheaper housing stock for rental use.

**Submitter 351** (Hamish Dahya) spoke to the hearing in support of the proposed Area of Change. Overall the submitter strongly supported the Johnsonville Area of Change, and considered that it would help to provide for the housing needs to the community. He noted that Johnsonville possessed a wide range of services and facilities in a compact town centre and had good transport facilities. The submitter considered that the proposals would enable delivery of a variety of housing, and that consolidating in existing areas would help to retain affordable new housing stock.

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

- Areas of Change - managing growth
- Selecting Areas of Change – location and distribution
- Selecting Areas of Change - Consultation
- Capacity and provision of infrastructure
- Character and sense of community
- Property values

#### Areas of Change – managing growth

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

To this end, the Committee acknowledged that 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 the 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).

As such, the Committee specially noted that there are a number of key drivers that the UDS responds to; these were recorded in the s42A report, and are repeated below in full not only because of the importance of these factors in informing the Committee but also because the information contained therein is directly relevant to and answers many of the concerns raised by those submitters who were opposed to the Area of Change concept. The relevant points are:

#### *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 generations<sup>1</sup>. 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 2031<sup>2</sup>. 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.*

Aside from the drivers behind the Areas of Change, particularly the UDS, the Committee also turned their attention to the fit of the PC72 with regional policy. The Committee noted that 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. Moreover the Committee noted that 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 Committee acknowledged that 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.

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<sup>1</sup> *Housing demand and needs in the Wellington Region*, Property Economics, 2005. *UDS Working Paper 9 – Quantifying the growth spine*, WCC 2006.

<sup>2</sup> *Sub-national population projections*, Statistics NZ, February 2010.

In this respect it was accepted by the Committee that Policy 30 is a regulatory policy which must be given effect to by regional and district plans.

In addition to the above, the Committee also considered the implications of not having Areas of Change. In this respect there was consensus that without the medium density residential development being proposed by the Area of Change provisions the outcomes would be less than optimal in that:

- 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.

Overall, the Committee supported the concept of residential intensification around key centres. This approach had been endorsed in the Council Urban Development Strategy (2006) and is consistent with the proposed RPS.

Changing demographics and household composition mean that Wellington will need a greater range of housing stock to meet the needs of residents. With an ageing population it is reasonable to expect increased demand for smaller, low maintenance units close to services and transport facilities.

Population projections show that growth will continue to occur throughout the city. However there are benefits in allowing an increase in residential density around existing town and centre. Development around many existing town centres indicates that the market has already identified a demand for this type of medium density living. However the current district plan provisions do not signal the benefits of such development nor readily provide for them. The Committee considered that the Areas of Change were necessary to complete this piece of the city-wide 'jigsaw' relating to residential growth.

#### Selecting Areas of Change – location and distribution

Having endorsed the concept of the Area of Change, the Committee then focused on those submissions relating to the specific Areas of Change.

In this respect, the Committee noted that a key theme that emerged 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.

Essentially, the Committee heard several submissions on this topic and acknowledged that 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.

In assessing these submissions the Committee's starting point was to follow the rationale used by the Council in selecting Johnsonville and Kilbirnie as Areas of Change as follows:



- *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 2009) 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.*

In reviewing this information, the Committee, accepted that 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 Committee concluded that 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 comprise:

- 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.

Overall, the Committee considered that Kilbirnie was a more straight forward choice as an Area of Change due to its smaller size, and the quality of the existing services and transport infrastructure serving the community. The Committee acknowledged that Johnsonville presents greater 'growth' uncertainties due to its greater size, existing constraints around traffic and parking, and uncertainties around the timing of the proposed mall redevelopment but nevertheless was unanimous that it does fit the key criteria outlined above and therefore should be included as an Area Of Change.

Moreover, and as is discussed later in this recommendation, the Committee has refined some of the development standards relating to Johnsonville and has accepted that the existing Residential Design Guide in conjunction with the proposed policies on multi-unit developments in Areas of Change will be sufficient in the immediate term to assess new development in these areas. In the short-medium term the Committee has recommended that a specific Residential Design Guide for Johnsonville be prepared and consulted upon with the community.

It is hoped that these resolutions and recommendation will allay many of the concerns raised by submitters opposing the area of change.

Moreover, and as is discussed later in this recommendation, the Committee has refined some of the development standards relating to Johnsonville that will hopefully address many of the concerns raised by submitters opposing the Area of Change. A point that the Committee wished to reiterate, is that Johnsonville and Kilbirnie are two of eight proposed 'Areas of Change'. The other areas are Tawa, Karori, Newlands, Luxford St, Miramar and Crofton Downs.

The Committee noted that some submitters considered they had been unfairly targeted by Council for further infill development, and that this feeling was likely to remain unless Council continued to roll out the Area of Change programme to more centres.

The Committee was strongly of the view that Council needs to continue with implementing the rest of the 'Areas of Change' programme. Site visits undertaken during the hearings process also highlighted the scope to provide for targeted intensification around these centres. However, this work needs to be based on detailed consideration of each location, with refined development responses to ensure they are appropriate for each centre.

#### Selecting Areas of Change – consultation

Lack of consultation was one of the most common themes from submitters opposing the Areas of Change – particularly for Johnsonville. In assessing this particular concern, the Committee noted that 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. That process was outlined in the Section 32 Report that formed part of the DPC72 documentation. For the Committee, the key procedural milestones comprised:

- *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 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.*

On this basis, the Committee unanimously concluded that the level of consultation over DPC72 and its forerunners was both extensive and inclusive. The Committee was mindful that it was important for submitters not to confuse the level of consultation undertaken with the outcomes of that consultation.

## Provision and Capacity of Infrastructure and Services

Submissions on the capacity of infrastructure and services comprised a significant component of respondents opposing the concept of area of change. The Committee noted that the majority of those focused on the Johnsonville area of change.

Before responding to individual topics in the submissions the Committee, considered it was 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, the Committee understood that 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.

The Committee also wished to emphasise to submitters that it is 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 dependent on the market. For this reason, the Committee considered that 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.

The common themes raised by submitters and the Committees consideration them are as follows:

### *Traffic congestion and parking - Johnsonville*

Johnsonville, like most town centres in Wellington, has traffic congestion and parking capacity issues, particularly during peak periods. However in considering whether Johnsonville is an appropriate area to enable further intensification, the committee noted the following transport related factors:

- 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. The Committee was advised that 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 the Committee noted 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.

The Committee noted that that Kilbirnie also has excellent levels of service for schooling.

### *Water, stormwater and sewage*

While upgrades will be required as the population grows, the Committee were advised that 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.

The Committee were also informed that Kilbirnie has an existing issue with stormwater and flooding due to the low lying nature of the area. However, 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.

In terms of the above, it was clear to the Committee that there were financial benefits to be gained from residential intensification, including the cost savings resulting from using existing infrastructure and being able live closer to services.

The Committee noted that of the two Areas of Change proposed for residential areas, Johnsonville and Kilbirnie, Johnsonville presented the greater challenges. This was reflected in the large disparity in the number of submissions received for each area.

The Committee noted concerns raised in submissions that the Johnsonville Area of Change would exacerbate existing issues around traffic, parking, congestion etc. Based on the Committees site visits and own experiences, noted that these issues were real and emphasised that that Council must adhere to its commitments to upgrade infrastructure if the Area of Change were to be successful.

Returning to their earlier observation, the Committee noted that it was neither practical nor feasible to fully deliver on infrastructure improvements before initiating the Area of Change. As Council was relying on the market to undertake the development, there was a chance that little intensification would occur. It therefore made sense to time the infrastructure upgrades to reflect the level of intensification that occurs within each area.

In Johnsonville the Committee acknowledged that the issue of upgrades to the road infrastructure was further complicated by the proposal to redevelop the Johnsonville mall. This project is very large and would require significant changes to the road network around central Johnsonville. It would be inefficient for Council to undertake roading improvements around Johnsonville, only to have the work re-done when the mall is redeveloped. The Committee is in agreement that the Council therefore needs to time its investment to coincide with redevelopment of the Johnsonville Mall, but unfortunately there is currently little clarity as to when the mall work might commence. In the circumstances the Committee considered that Council's decision to scheduling funds for improvements to 2018 was prudent and should not be deviated from.

The Committee noted that improvements to the frequency and efficiency of public transport would occur in response to increased patronage.

Whilst no submitters raised concerns about reticulated services in Johnsonville, the Committee noted that there was sufficient existing capacity to accommodate projected growth.

The Hearing Committee shared the disappointment expressed by submitters, that it was no longer proposed to develop a park-and-ride facility at the Johnsonville train station. In this regard the Committee considered that there is a very important need for Greater Wellington, as the co-ordinator of public transport in the region, to invest in the Johnsonville Train Station. This investment would help support policies in the RPS that encourage residential intensification in the areas of regional significance.

The Committee noted that the 'Areas of Change' were a vehicle to focus Council thinking on where to target future investment and that retention of the status quo for Johnsonville would also result in a level of intensification, but possibly without the corresponding additional investment.

Overall, the Committee were therefore strongly of the opinion that as Council had embarked on the path of intensification that it must continue to commit to that direction.

Any departure from the stated policy of identifying additional 'Areas of Change' should not be done without careful consideration of the consequences.

#### Impact on existing character and sense of community

A significant number of submitters opposed the Areas of Change due to changes in character resulting from further intensification. The Committee was advised by officers at the hearing that Council in all previous consultations have openly and honestly articulated that Areas of Change will likely result in a change of character in these areas – hence the term 'Areas of Change'. In considering these submissions, the following points were noted by the Committee:

- 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.

The Committee however recognised the legitimate concerns of a number of submitters that new building height as notified in the plan change would be out of scale, and have therefore recommended it be reduced from 10 metres to 8 metres. However the Committee is satisfied that the area is likely to move to a more intensive development pattern over time and that the provisions will ensure that new developments are high quality and sit comfortably amongst existing developments.

The Committee did not accept the assertions of some submitters that Johnsonville was to become a dumping ground for low income, transitory residents. The Area of Change would provide additional housing choice in Johnsonville and new units were more likely to provide housing for existing Johnsonville residents that wished to remain in the suburb but want to down-size their home (i.e. age in place), or first time home buyers. While some submitters considered the Area of Change will improve housing affordability, it was anticipated that new units in the area could still sell for in excess of \$350,000. The Committee also noted that development was likely to occur over decades which would assist in the gradual integration with the existing community

#### Lose of property values

The Committee heard from a number of submitters concerned about the potential impacts of increasing density on property values. The Committee heard from Officers that as part of the Section 32 work, a report from property and economic consultants DTZ was commissioned to assess this issue.

The report 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.

The key points of relevance to this issue were:

- As the residential market improves, the focus on higher density and enhanced building scale will create strong demand for land within this area, and this will lead to a significant rise in land prices with a consequent reduction in the value of existing improvements

- As development occurs controlling the scale and design will be important to minimise impact on adjoining properties
- Areas that already have a higher proportion of density (such as Trafalgar Street) are unlikely to see a significant change in physical make up and value in the short to medium term
- 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.

The report concluded 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 development 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.

The Committee was therefore satisfied that the Plan Change provisions as they relate to the Johnsonville Area of Change will ensure a high quality residential intensification takes place, and based on this report, that land values are likely to rise as development occurs.

#### Summary

The Committee acknowledges the level of public concern expressed in submissions and at the hearing, particularly in relation to the proposed Johnsonville Area of Change. The approach of providing for medium density housing around key town centres is however considered to be well founded and based on robust research, and will be appropriately implemented through a balanced package of district plan policies and rules.

The Committee is satisfied that the provisions of DPC72 relating to the Areas of Change accord with the requirements of the proposed Regional Policy Statement and will provide benefits both to local communities and the city as a whole through the sustainable and efficient use of infrastructure and the provision of a range of residential living.

#### Recommended Decision

- **Accept** submissions 13, 25, 76, 346, 347, 348, 349, 350, 352, 353, 354, 356, 357, 358, & 359 insofar as they support the Johnsonville Area of Change.
- **Reject** 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 insofar as they oppose the Area of Change in Johnsonville.
- **Reject** submissions 133 and 134 to the extent that while the submissions do not specifically refer to the Johnsonville Area of Change, they imply that the area of change and plan change 72 in total should be thrown out.
- **Reject** submission 100 which seeks no specific decision, but which opposes Johnsonville Area of Change.

- **Accept** submission 101 insofar as it notes that 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.
- **Accept** submission 351 insofar as it supports the Johnsonville Area of Change on the basis that it will prepare Johnsonville for expected growth and allow Council to better manage this.
- **Accept in part** submission 174 insofar as it requests that the Area of Change concept be applied uniformly across the city, not just to two specific suburbs.
- **Reject** submission 46 insofar as it requests the Council 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.
- **Reject** submission 355 insofar as it requests the removal of 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.
- **Accept in part** submission 321 insofar as it notes that a well planned programme of infill housing up to 2 storeys high in Johnsonville and other Wellington suburbs, together with well planned new greenfield development for absorbing future population growth be a better solution.
- **Accept in part** submission 175 insofar as it notes that 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).
- **Reject** submission 167 insofar as it requests that the area of change be limited to those areas around Johnsonville that are suitable for accommodating retired people.
- **Reject** submission 355 insofar as it requests that Council 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.
- **Reject** submission 341 insofar as it requests that Council 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.
- **Reject** submissions 142 & 143 insofar as it requests an extension to the consultation period for Johnsonville Area of Change.
- **Reject** submissions 330 and 343 insofar as they oppose the Area of Change in Johnsonville. Further consultation with residents is required.
- **Reject** submission 105 insofar as it requests that Council stop District Plan Change 72, consult community groups, and make amendments after consultation in 6-12 months.
- **Reject** submission 232 insofar as it seeks deferral of the proposed Plan Change pending full and proper local consultation with the opportunity to voice their say at the 2010 local body elections.
- **Reject** submission 185 insofar as it seeks the deferral of this change until important infrastructure work is undertaken in Johnsonville.
- **Accept** submission 167 insofar as it notes that Council must ensure that increased levels of traffic can be satisfactorily managed in and around Johnsonville.
- **Reject** submission 167 insofar as it requests that Council ensure that there is no loss in property values for people that own property within the area of change.

- **Reject in part** submission 164 insofar as it requests that Council not impose the Area of Change on Johnsonville; or that Council provide more services and infrastructure to cope with the change.
- **Reject** submission 135 insofar as it requests amendments to District Plan Change 72 to include plans for more infrastructure including sites for new schools and better traffic routes.
- **Reject** submission 200 insofar as it suggests that Council remove Johnsonville from Area of Change, and that Karori would be a better option for this.
- **Reject** submission 177 insofar as it requests that Council abandon these changes and concentrate instead on their core business such as fixing defective infrastructure.
- **Reject in part** submission 262 insofar as it requests that Council not impose Area of Change on Johnsonville, and not allow 4 storey cheap flatting developments.
- **Reject** submission 224 insofar as it requests the deletion of the Area of Change in Johnsonville. Protect this area against medium - high density housing.
- **Accept in part** submission 167 insofar as Council must provide protection for character housing within the Area of Change.
- **Accept in part** submission 366 insofar as it supports the Area of Change proposal subject to amendments to the rules to provide for the involvement of neighbours in the planning process.
- **Accept in part** submission 366 insofar as it requests that Council 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**)
- **Reject** submissions 225 & 226 insofar as it requests that Council not impose the Area of Change on Johnsonville. Council should protect Johnsonville's character.
- **Note** submission 163 insofar as it requests that Council improve traffic for main roads, like Johnsonville Road.
- **Note** submission 167 insofar as it notes that Council must ensure that far superior levels of service are provided in the Johnsonville area.
- **Note** submission 167 insofar as it requests that Council provide adequate public open space for people living in the Area of Change.
- **Note** submission 360 insofar as it requests that, as a ratepayer, they should have a say in what goes on in the Johnsonville Mall area and surroundings.
- **Note** submission 169 insofar as it notes that Council needs to listen and take seriously the opinions and concerns of Johnsonville residents.
- **Note** submission 210 which requests clear guidance on how Council will deal with traffic congestion problems, lack of availability for schooling, health needs for residents.

#### **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)**
- Supports the new rule regime proposed in the Johnsonville Area of Change, particularly the increased site coverage **(submission 346)**
- 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 Committee noted that the submissions made reference to the policies, rules, and standards that would apply within the Areas of Change. Officer informed the Committee that in developing the provisions for Areas of Change the following outcomes had been sought:

- 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.

Developing controls for the Areas of Change Council began with the controls that had been applied in the Inner Residential Area zone for the past 15 years. These controls enabled the development of high quality medium density housing. The key changes to the standard Outer Residential controls (as notified) are:

- two or more units on a site is considered to be a multi-unit development requiring assessment against the Residential Design Guide.
- an increase in maximum height 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.

Plan Change 72 also put in place a number of specific Area of Change provisions to help deliver the outcomes sought. These included:

- 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 are 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 provide 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.*

- **Comprehensive redevelopment and variation in built form has been encouraged through the use of a minimum site dimension control in AC2, and the requirement for resource consent for the construction of a second unit on a site. Policies 4.2.1.2-4 describes the thinking behind 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 was provided to cover the assessment of new multi-unit developments (provided they comply with bulk and location standards). Council was aware that public notification is a significant barrier to development due to the uncertainties it creates in terms of costs and timeframes. Providing for consideration of consents as non-notified applications was 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 considered to be affected depending on the nature of the effects created by the breach.
- 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.

<b>Rule</b>	<b>Area of Change 1</b>	<b>Area of Change 2</b>	<b>Outer Residential</b>
<b>Building height</b>	10m	10m	8m
<b>Site coverage</b>	50%	50%	35%
<b>Building recession planes</b>	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	2.5 m + 45 degrees
<b>Ground level open space</b>	None	20 sq.m per unit	50 sq.m per unit
<b>Private open space</b>	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
<b>Minimum lot dimension</b>	None	Accommodate a circle with radius of 12 metres	None
<b>Maximum width of vehicle crossings</b>	3.7 metres	3.7 metres	6 metres
<b>Front yards</b>	3 metres	3 metres	3 metres or 10 metres less half road width
<b>Number of units permitted on a site 'as of right'</b>	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.

**Submissions 55 and 56** requested a number of changes including further clarification of the policies regarding Areas of Change. These included:

- Amend policy 4.2.1.3 to clarify how Council would discourage piecemeal development in Areas of Change, and how medium density housing could make a positive contribution to the local townscape. Officers considered that the wording of the current policy was 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 agreed that while Council could '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 accepted that it would be almost impossible to implement in practice, and that it was 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 recommended retention of policy 4.2.1.4, but removal of the last two sentences of paragraph eight which explained 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 did not consider that the policy needed 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 considered that the current policy strikes an appropriate balance between facilitating development while also making appropriate provision for amenity values.

**Submitter 55 (Cardno TCB Ltd)** spoke to the hearing and indicated that while they were generally comfortable with the amendments recommended by Officers, they considered that they did not go far enough. In relation to the Johnsonville Area of Change the submitter requested that the term "medium density residential area" be adopted instead of "area of change".

The Committee have accepted this request on the grounds that the title 'Medium Density Residential Area' would better describe the long term outcomes anticipated by the zone.

**Submitter 55** also requested additional wording to Policy 4.2.1.3 regarding discouraging piecemeal development, on the basis that the current wording might be used to stymie neighbouring development as it is difficult to determine what development might 'make a positive contribution to the local townscape' and who will determine what is an 'efficient' use of the site. The submitter also sought amendments to the wording of Policy 4.2.4.1 regarding the requirement for new development in Areas of Change to be 'compatible with surrounding development patterns'.

**Submitter 55** requested that standard 5.6.2.1.1 relating to minimum site dimension be amended to enable the development of lots over 1000m<sup>2</sup>. The submitter raised concerns that nothing would happen in the AC2 areas if the current rules are retained, due to the time and cost involved in amalgamating sites.

At the hearing **submitter 71** (Ironmarsh Trust) noted that they were generally supportive of the proposed Area of Change zone. The submitter supported the proposed standards relating to ground level open space, site coverage and maximum height, and supported the amendments suggested by officers to the site access standards. However the submitter considered that the multi-unit definition should be amended to enable a second unit to be developed on site as a permitted activity, or alternatively to allow sites

to be developed without the need to meet the minimum site dimension. The submitter considered that the current standards, particularly the minimum site dimension requirement, may result in limited uptake of development potential. To this end the submitter supplied a map showing that only around 50 of the approximately 360 lots within the Johnsonville Area of Change currently meet the 24 metre minimum dimension.

**Submitter 351** (Hamish Dahya) spoke to the hearing in support of the Johnsonville Area of Change. The submitter noted that he had an interest in the properties at 8 – 10 Middleton Road, a property that he was planning on developing in the near future. If Council wished to promote residential intensification in the 'Areas of Change', the submitter considered that it must develop appropriate standards so that consents can be processed without need for public notification. The submitter considered that the standards proposed for the Area of Change were generally appropriate (particularly the front yard, site coverage and car parking standards), but considered that the requirement for 20 sq.m of ground level open space could be removed as the market would determine the demand for such space. The submitter supported the proposed height limit of 10 metres, but noted that developing to three storeys required additional engineering, which may not be cost effective given the average house price in Johnsonville. In the submitter's opinion the market generally wants stand alone units and generally two storeys in height (6 – 6.5m).

**Submitter 346** (Johnsonville Plunket New Facilities Project Steering Group) spoke to the hearing, and noted that DPC 72 would help Plunket provide services close to the community. The current Plunket room was no longer able to provide services due to size, space and parking limitations. The more permissive bulk and location standards would enable Plunket to develop suitable facilities at existing site, and in particular the increased site coverage would mean more facilities could be provided at ground level enabling easier access to clients and more cost effective construction.

The remaining **submissions** received raised concerns that the proposed Area of Change controls were not appropriate for the suburb of Johnsonville. There are particular concerns that the controls would result in development that:

- adversely impacted on the amenity of neighbouring properties through reduced sunlight, overbearing and loss of privacy
- could not be serviced by existing infrastructure
- increased congestion and pressure for car parking
- compromises the existing character of the area.

The submissions considered that the changes would also remove property rights for individual owners and lead to a reduction in property values. They were also concerned that the increased levels of development would degrade the existing environment and community, particularly the 'family friendly' feel of the suburb. A number of submitters also expressed concern at the density of development proposed and indicated a lack of confidence in the Council's ability to guarantee that development would be of high quality.

Many of the submissions on the Johnsonville Area of Change also raised concerns that the proposed controls would result in buildings that were too large for the area, resulting in a loss of neighbourhood character and amenity for neighbouring properties. A number of submitters also noted that Johnsonville had an inclement climate which made provisions of adequate solar access particularly important for residents.

**Submitter 83** (Louellen Bonallack) accepted that some degree of infill was likely but was concerned that the proposed development controls are too targeted towards developers. The submitter was particularly concerned at the ability to develop to three storeys, irrespective of the quality of design. The submitter would prefer an approach that gave greater recognition to existing character and residents.

Submitter 192 (Tracy Hurst-Porter) expressed concerns that the proposed controls provided no certainty as to where buildings and open spaces would be located and what buffers would be provided to adjacent sites. The submitter was concerned that the proposals would result in current residents moving out.

**Submitter 337** (Johnsonville Progressive Association) noted that the success of the proposed Area of Change was highly reliant on delivering quality outcomes. However the submitter noted that the rule in the Area of Change rules were looser than in other areas where, in the submitter's opinion, design guides had already failed to meet expectations. On this basis the submitters considered that these proposed changes were unlikely to result in high quality development.

The submitter was also concerned at the introduction of 'urban' controls and rules within a 'suburban' setting, particularly the controls relating to height, open space and noise. In closing, the submitter noted that they had not requested changes to individual rules because as lay people they found it difficult to dissect the rules and preferred to limit their comments to the overall package. In any event the submitter considered that the Area of Change concept was so flawed, that the only viable option was its withdrawal to enable further work and further consultation.

**Submitter 366** (Roger Hay) expressed surprise that Council had not prepared a model of the types of development that were proposed. He felt that early, good examples of development could be used as a template.

The submitter considered that Johnsonville was the right area for intensification and noted that it could be done very well as it is north facing, and provided scope to use topography to allow units to look out over each other. However the submitter noted that there is a lack of trust in the community regarding the ability of officers to require developers to adhere to the requirements of the design guide. The submitter considered that developments should not be covered by a non-notification statement, and that neighbours should have input into the design process.

The Hearing Committee noted that **further submission 13** had lodged an overarching further submission that supported those submissions that opposed the Johnsonville Area of Change provisions, and opposed those submissions that supported the Johnsonville Area of Change provisions.

The Officers report noted that Council's approach to managing new development in Areas of Change was to use 'bulk and location' standards to define a permitted building envelope within which new buildings should be located. The detail of any proposal was then subject to an urban design assessment that considered the design and layout of buildings and associated open space. Officers noted that this flexible approach was both a strength and weakness. The non-prescriptive nature of the controls enabled creativity in design and allowed new development to respond to variations in topography and character. However it also generated a lack of certainty regarding the exact nature of development that could be undertaken within the Area of Change.

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

- inserting a new standard requiring that all buildings that are built along the street edge 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 would provide visual separation between units and recognised that the historical pattern of development in the area was generally stand alone buildings located towards the front of the site. It would also provide a break between the buildings helping to



retain access to sunlight and daylight both on site and on adjacent sites. The additional space provided to the rear would enable vehicle parking and manoeuvring areas to be located behind the front units on the site, reducing the possibility of vehicle parking and garaging to dominate the street edge, and allow for private open space at the rear of the properties.

While Officers were confident that the current Residential Design Guide covered off the key issues that are required to be considered when assessing the appropriateness of a multi-unit development, they considered that there was some merit in providing additional design controls that were specific to the Area of Change.

In their reply to the Hearing Committee, Officers acknowledged those matters raised by submitters during the hearing and suggested a number of additional amendments to the Area of Change provisions. These were:

- Lowering building heights from 10 metres to 8 metres in the Johnsonville Area of Change. Officers noted that 8 metres was generally sufficient to develop two storeys. In lowering the heights officers considered that the rules should contain discretion to consider a third storey, provided it can be demonstrated that issues of shading, privacy and over-bearing can be adequately resolved. Officers considered that lowering building heights would help to integrate new development with the significant number of properties that had already been developed, and would assist in the management of solar access both within sites and with neighbouring properties.
- Providing additional design guidance for developments in the Johnsonville Area of Change, to address area specific issues of:
  - Streetscape and character
  - Integration of medium density housing
  - Topography and lot orientation
  - Solar access and privacy
  - Treatment of mass earthworksOfficers also noted that the design guidance could include acceptable design solutions and building configurations.
- Clarifying Policy 4.2.1.3 and Rule 5.3.7.3 regarding when and how the 'efficient use of land' would be assessed

The Committee endorsed those changes as being appropriate in light of the concerns expressed by some submitters' and the advice from officers that the reduced permitted height would not unduly compromise the density objectives of the Johnsonville area of change.

Officers also noted that relevant design guidance could include acceptable design solutions and building configurations. To this end the Committee acknowledged that the Multi-unit Design Guide included in the District Plan as part of Plan change 56 (and updated and renamed the Residential Design Guide as part of DPC72) would be a useful resource for urban design assessment for new multi-unit developments in the Johnsonville area of change. In particular, the Committee noted that guideline G1.1 the Residential Design Guide includes surrounding patterns of development as one of the 'primary characteristics' used to establish local context.

Notwithstanding, the applicability of the revised Residential Design Guide, the Committee gave some consideration to providing additional design guidance for developments in the Johnsonville Area of Change, to address area specific issues of:

- Streetscape and character
- Integration of medium density housing
- Topography and lot orientation

- Solar access and privacy
- Treatment of mass earthworks

For the reasons that follow regarding Johnsonville Area of Change, the Committee, after very careful consideration, decided against attempting to draft a specific design guide covering the above matters for the Johnsonville area of change and instead have recommended that such a guideline is drafted and consulted upon with the community before being notified as a variation to DPC72.

In reviewing these submissions the Hearing Committee noted that while the submissions supporting the Area of Change sought detailed relief and amendments, the submissions opposing the Area of Change tended to be couched in more general terms with less in the way of specific decisions sought. While acknowledging that the submissions in opposition raised numerous valid concerns regarding the proposed Area of Change, the Hearing Committee did note that the lack of detail in the decisions requested meant there were limits to how far the Committee could move in order to address those concerns - this directly limited the scope to produce a specific design guideline for Johnsonville.

However the Committee did acknowledge the strong thread running through many submissions regarding the potential for new, more intensive development to adversely impact on the amenity, sunlight and privacy of existing properties. The Committee also took note of the number of submitters that commented on Johnsonville's inclement climate, which made protecting access to sunlight and daylight a primary concern for many residents.

When considering the appropriateness of the rules proposed for the Area of Change, the Hearing Committee considered both the existing environment and the urban form anticipated by the Area of Change controls.

A second site visit to Johnsonville following the hearing re-affirmed the Committee's opinion that Johnsonville could not be treated as a 'clean slate'. That is, a significant number of sites had already been developed under the existing Outer Residential Area provisions which had resulted in principally one-two storey infill and multi-unit developments. The Committee acknowledged that these sites were unlikely to be developed further, and considered that there was a need to ensure that the Area of Change controls provided for appropriate integration between the existing and future developments.

The Hearing Committee also noted with interest the evidence of submitter 351 (Hamish Dahya) who noted that the property market in Johnsonville was unlikely to support three storey units, because of the additional engineering and development costs.

Given the above the Hearing Committee agreed that the permitted building height within the Johnsonville Area of Change should be reduce from 10 metres to 8 metres, making two storeys the starting point for new development. The Committee considered that this move would help to manage effects relating to shading, privacy and over-bearing, as well as helping to allay the concerns of those submitters that felt that new buildings would be out of scale with existing developments and the wider suburb.

However the Committee was strongly of the view that the plan should enable consideration of a third storey (up to 10 metres) as it considered that there were many sites that could accommodate the additional storey. Any consent would need to respond to the setting of the development and demonstrate that the resulting buildings would provide suitable privacy and solar access for occupants, and would not:

- overlook adjoining sites, particularly the living space or principal outdoor space on a neighbouring property
- impact on daylight and sunlight levels for adjoining sites, particular sunlight to the dwelling or principal outdoor space on a neighbouring property

Accordingly the Committee included additional text for policy 4.2.4.2 to note that buildings of up to 10 metres in height were anticipated in the Area of Change subject to the appropriate mitigation of effects.

*In ~~Areas of Change~~ Medium Density Residential Areas, Council seeks to promote comprehensive residential redevelopment. In these areas it is accepted that new developments will have some impact on the amenity of adjoining properties that are also located in the ~~Areas of Change~~ Medium Density Residential Area. Accordingly new multi-units in ~~Areas of Change~~ Medium Density Residential Areas may build up to the maximum height standard without public notification.*

*Applications that seek to exceed the maximum height standard will be expected to demonstrate that the resulting building(s) will provide suitable privacy and solar access for occupants, and will not:*

- overlook adjoining sites, particularly the living space or principal outdoor space on a neighbouring property*
- impact on daylight and sunlight levels for adjoining sites, particular sunlight to the dwelling or principal outdoor space on a neighbouring property*

*This may be achieved by configuring the development to provide breaks between buildings and appropriate setbacks from lot boundaries (see the Johnsonville appendix to the Residential Design Guide for further guidance).*

The Hearing Committee also agreed with Submitter 55, that there was a tension in existing policy 4.2.4.1 regarding the need for new developments to be compatible with existing development. While acknowledging that new development in the Area of Change must be integrated with adjacent developments, the Committee considered that it would be beneficial to amend the policy to note that consent applications would be judged against the intended urban form for the area, rather than the existing urban form.

*In the Medium Density Residential Areas the maximum building heights range from two-three storeys depending on the character and nature of each area. While thought must be given to the nature of development on adjoining sites, applications for comprehensive redevelopment in Medium Density Residential Areas will be principally considered in terms of their compatibility with the desired future character for the area, rather than compatibility with the surrounding development patterns.*

*Within the Johnsonville Medium Density Area the maximum building height has been set at 8 metres in recognition of the scale of existing built form, and the number of sites that have already been re-developed with one or two storey buildings. A significant number of sites in this area have already been developed under the previous planning controls which have resulted in principally one-two storey infill and multi-unit developments. These sites are unlikely to be developed further so the planning controls in the Johnsonville Medium Density Residential Area seek to provide for appropriate integration between the existing and future developments. However medium density developments of up to three storeys (10.4 metres) are anticipated in the Johnsonville area and discretion has been provided to enable consideration of such proposals on a case by case basis.*

The Hearing Committee also noted the concerns of many submitters that there was no absolute certainty regarding the types of development that were to be anticipated in the Johnsonville Area of Change, and no guarantee that Council would be able to deliver quality outcomes. To this end the Committee agreed with Officers that there was scope to add two new standards that require units closest to the street be oriented to face the street, with mandatory physical separation to any units behind: Those standards are:

**5.6.2.8(a) Building orientation and separation**

5.6.2.8(a).1 Within the Medium Density Residential Area 2, the first unit back from the street

frontage (or units when multiple units are proposed along the site frontage) shall be oriented to face the street, with windows and the principal pedestrian entrance facing the street.

5.6.2.8(a).2 Within the Medium Density Residential Area 2, physical separation of at least 7 metres must be maintained between the first unit back from the street frontage (or units when multiple units are proposed along the site frontage) and any buildings located to the rear.

As mentioned earlier, the Committee also considered that there was merit in the District Plan containing specific design guidance for the Johnsonville Area of Change, including model design scenarios that demonstrate how the key design objectives principles can be appropriately resolved on a variety of sites. The Committee was of the view that a new *Johnsonville Medium Density Residential Area* appendix to the Residential Design Guide would be appropriate.

In considering this matter, the Committee noted that while only a handful of submitters actually sought additional controls on their decisions sought, a significant number of submissions raised only generic concerns regarding issues of urban form, character and amenity and did not provide any specific relief in support of such concerns.

For the above reasons and on balance, the Committee considered that whilst submissions provided some scope to amend the planning controls for the Johnsonville Area of Change to provide more clarity around the built outcomes sought for the area, this was limited in its application to a specific residential design guide. In the commissioners view the constraining factor was the lack of specific details on what such guidance would contain in terms content. Given the importance of “getting this right” the Committee concluded that the only appropriate course of action was to test this in the public arena through initial consultation over a draft design guide and then ultimately in the statutory arena via a variation to DPC72. In the meantime, the Committee wishes to record, least it is thought otherwise, that it is content that the combination of the revised bulk and location standards and the new policies would assist in the residential urban design assessment process for new multi-unit development in the Johnsonville Area of Change.

Turning to other matters in the Johnsonville Area of Change, the Hearing Committee considered at length the request to amend the minimum lot dimension standard to also permit development on sites over 1000 square metres in area. The Committee noted that analysis of the Johnsonville Area of Change indicated that there were over 70 lots with an area of over 1000 sq.m. While many have already been subject to infill development, there were a substantial number that could be built on. The Committee noted that most were long, thin sections that could realistically only be developed with units running the length of the site at right angles to the road. The intent of requiring a minimum site dimension was specifically to provide sufficient space on site to explore alternate building layouts, and the Committee considered that the requested amendment would have the effect of undermining the existing control. The Committee also noted that the Area of Change concept was not about achieving residential intensification at all cost. The Committee wished to reinforce that the Area of Change concept would only be successful, and gain wider community acceptance if the quality of development was high. The Committee considered that a possible delay in development occurring was a small price to pay for ensuring quality outcomes.

The Hearing Committee did however note advice from the Council’s urban design team, that it was possible to undertake appropriate developments in sites with a minimum dimension of 22 metres. Given that there were a number of sections within the Area of Change with a width of 11 metres, the Committee considered that it was appropriate to amend standard 5.6.2.1.1 to refer to a circle with a radius of 11 metres, to enable these sections to be developed in pairs.

The Hearing Committee did not agree that the proposed Area of Change provisions would significantly reduce the property rights of existing residents. Home owners could

continue to make additions and alterations to their properties 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 regard was the minimum lot dimension for multi-unit developments and the requirement to seek resource consent to develop a second household unit on a site.

In response to **submission 71** the Hearing Committee agreed that the access controls should be amended to provide for six metre wide vehicle crossings for developments that involved 7 or more units. The Hearing Committee agreed that as the Council's code of practice for land development required wider driveways for larger residential developments, it made sense to provide for a double crossing at the street edge.

**Submissions 178, 179, 338 and 339** sought greater recognition for existing community uses within the proposed Area of Change. **Further submission 10** supported **submission 178**.

**Submitters 178 and 179** (St Brigid's School and St Peter and Paul Parish) spoke to the hearing and raised concerns that residential intensification within the Area of Change could drive out existing community uses, such as schools. The submitters considered that residential intensification may hinder the ability for the school to develop further facilities, such as a school hall and increase the potential for issues of reverse sensitivity.

The submitters also raised concerns about increased congestion resulting from increased pressures for on-street parking, and potential safety issues for children walking to and from school. The school has a wide zone and therefore generated significant traffic. School pick-ups and drop-offs could not be addressed just by the school, and it was working with Council to address these issues. The submitter noted that it was supportive of any moves to improve pedestrian links across Moorefield Road.

The submitter noted that they would like the plan change to provide scope for the consideration of the impact of new development on existing community facilities, and would also like scope for the area to retain a mixture of uses. The submission was generally supportive of creating housing choice, especially for the elderly.

The Committee had considerable sympathy for the issues raised by the submitter, and agreed that there were significant public benefits attached to locating public services within the communities that they serve. However the Hearing Committee was not convinced that the relief sought by the submitter would work in practice. The District Plan treats community uses (in residential areas) in a consistent manner across all residential zones, and so did not consider that specific provision is required in Areas of Change.

**Submission 341** requested that Council amend DPC 72 to 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. The Committee noted that the District Plan maps show that the majority of the bush areas were located within the motorway corridor, and that these areas would be managed principally under the designation for State Highway 1. Accordingly, there was likely to be little benefit in adding new rules to the Residential chapter of the plan. The Committee also noted that recent amendments to the RMA placed restrictions on Council's ability to install generic vegetation protection controls.

#### Recommended Decision

- **Accept** submission 55 insofar as it requests that the name of the Area of Change zone be changed to 'Medium Density Housing'.
- **Accept** submission 82 insofar as it requests retention of the existing height limit of 8 metres.
- **Accept in part** submission 207 insofar as it requests lower heights within the Area of Change and greater provision for open space and parking.
- **Accept** submission 107 insofar as it opposes heights of 18m in Johnsonville.

- **Reject** submission 71 insofar as it supports the proposed 10 metre maximum building height for the AC1 Area of Change.
- **Accept in part** submission 153 insofar as it raises concerns that the Area of Change provisions will cause loss of privacy and that the maximum height limit is too high.
- **Accept in part** submission 172 insofar as it requests a reduction in the minimum site dimension standard 5.6.2.1.1 from 12 metres to 10 metres.
- **Accept** submission 71 insofar as it endorses the proposed site coverage standards for the AC1 Area of Change.
- **Accept** submission 71 insofar as it endorses the proposed open space requirements that apply in the AC1 Area of Change.
- **Accept in part** submission 167 insofar as it requests amendments to the residential design guide and that Council should clarify inconsistencies between the design guide and summary guide.
- **Reject** submission 167 insofar as it requests amendments to the design guide to ensure that it refers to maintaining reasonable standards of daylight and sunlight.
- **Accept in part** submission 56 insofar as it requests amendments to 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.
- **Reject** submission 340 insofar as it requests that Council notify all applications in Areas of Change to ensure that residential intensification does not detract from the character and amenity of the area.
- **Reject** submission 71 insofar as it 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.
- **Reject** submission 135 insofar as it requests amendments to allow individuals to subdivide their lot into parcels that will support family, single dwellings.
- **Reject** submission 341 insofar as it seeks protection of areas of natural bush within and around the proposed area of change, particularly the area between Helston Road and the Motorway.
- **Accept** submission 55 insofar as it requests deletion of the discretionary matters of 'the mix of housing types on any site within an Area of Change' from rule 5.3.7.
- **Accept in part** submission 55 insofar as it requests amendments to policy to clarify that new developments in Areas of Change will not be compatible with the existing low density development in the area.
- **Accept** submission 71 insofar as it seeks an amendment to 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.
- **Accept in part** submission 55 insofar as it seeks provision for maximum vehicle crossing widths of up to 6 metres in Areas of Change.
- **Accept** submission 346 insofar as it supports the new rule regime proposed in the Johnsonville Area of Change, particularly the increased site coverage (**submission 346**)
- **Accept** submission 71 insofar as it supports the proposed building recession plane requirements for the AC1 Area of Change.
- **Accept in part** submission 167 insofar as it seeks more protection for properties owners on the boundary of the area of change.
- **Accept in part** submission 6 insofar as it requests that new infill housing 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.

- **Accept in part** submission 68 insofar as it seeks the retention of the provisions relating to the proposed Johnsonville Area of Change as notified.
- **Accept** submission 361 insofar as it requests retention of Objective 4.2.1 and its associated policies relating to the Johnsonville Area of Change.
- **Reject** submission 55 insofar as it requests amendments to standard 5.6.2.1.1 to 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.
- **Accept in part** submission 175 insofar as it seeks further clarification on the minimum and maximum requirements 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.
- **Accept in part** submission 55 insofar as the policy already addresses the submitters' view that Policy 4.2.1.3 should discourage piecemeal development in Areas of Change, and that medium density housing can make a positive contribution to the local townscape.
- **Accept in part** submission 55 insofar as it seeks amendments to 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.
- **Accept** submission 55 insofar as it seeks amendments to policy 4.2.1.4 to clarify what is a 'satisfactory mix' of household units within Areas of Change.
- **Accept** submission 59 insofar as it 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.
- **Accept** submission 124 insofar as it seeks a mixture of housing types in the Johnsonville Area of Change.
- **Reject** submission 120 insofar as it opposes medium/high density housing in Johnsonville town centre.
- **Reject** submission 366 insofar as it requests amendments to 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, and provide a mechanism for dispute conciliation between the developer, Council and any affected neighbours.
- **Reject** submissions 178, 179, 338 & 339 insofar as they seek additional recognition for, and protection of, the diverse community uses (especially Churches, halls and schools) within the Areas of Change.

#### **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, the Hearing Committee noted that **further submitter 13** had lodged an overarching further submission that supported those submissions that opposed the Johnsonville Area of Change, and opposed those submissions that supported the Johnsonville Area of Change.

**Submission 71** supported the inclusion of 1& 3 Bould Street within the AC1 Area of Change area, and this support was accepted.

**Submission 205** requested that the five properties at 2-10 Middleton Road be excluded from the Area of Change. Officers noted 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 the 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.

**Submitter 351 (Hamish Dahya)** spoke to the hearing in support of the inclusion of the properties at 2-10 Middleton Road within the Johnsonville Area of Change. The submitter owns 8–10 Middleton Road, and considered that the sites were ideally suited to residential intensification given their proximity to the town centre and their northern aspect. The submitter noted that the properties were not originally included in the Area of Change due to the quality of pedestrian links into the town centre. Mr Dahya referred the Committee to a recent meeting of the Council's Strategy and Policy Committee (SPC) (17 November 2009) in which Council identified a number of improvements to the walking and cycling routes around Johnsonville town centre that would be incorporated into the mall upgrade.

After visiting the site the Committee agreed that the sites from 2-10 Middleton Road were appropriate for inclusion within the Area of Change, but noted that the pedestrian improvements approved by SPC were very important in terms of facilitating convenient pedestrian access between the sites and town centre, and urged Council to undertake this work as soon as practicable.



**Submission 72** requested 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 did 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 was also on the very outer edge of the Area of Change and Officers had reservation as to whether it would provide the benefits sought in terms of ease of access to services and public transport nodes.

**Submitter 72 (I.R. Reid)** spoke to the hearing and clarified that while he no longer sought the inclusion of 52 Chesterton Road, he did seek the inclusion of 35-39 Sheridan Terrace into the Johnsonville area of change. The submitter did not accept the argument that the zone boundary should not run between residential properties, as there were already areas where the boundary ran between properties. The submitter considered that the topography of his site meant that it could be developed without undue impact on neighbours and that the site provided scope for well designed, good quality comprehensive redevelopment with good access to services and public transport. Overall the submitter considered that the site was generally consistent with the criteria for inclusion in the Johnsonville Area of Change.

Having visited that site the Committee noted that the sites in question were large and comparatively under utilised. The Committee considered that the properties had reasonable development potential under the current Outer Residential Area provisions. At the very least it was possible to erect two houses on each of the properties as of right, and there was scope to consider a more intensive multi-unit development on the site, if it could be demonstrated that the neighbouring properties would not be unduly affected. Having noted the scale and character of development on adjacent sites, the Committee considered that the existing Outer Residential Area provisions were more likely to deliver a development that was in-keeping with this character, and therefore concluded that the existing provisions should be retained.

**Submission 172** requested that the Johnsonville Area of Change be expanded to include properties on the south side of Burgess Road. **Submissions 136 and 309** questioned the appropriateness of including properties in the Burgess Road/Macauley Street area within the Area of Change. Officers noted that while this area has very good proximity to the Johnsonville town centre, it was not included in the Area of Change on 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). For these reasons Officers did not support submission 172's request to expand the area of change.

**Submitter 172 (Ian Hutchison)** spoke to the hearing in support of his request that the Area of Change 2 be extended up to Burgess Road on the eastern side of the motorway. The submitter was concerned that the Area of Change is too large and would lead to large, low cost housing units. The submitter also raised concerns that there was too great a gap between development opportunities in Areas of Change and the adjacent Outer Residential zone which may lead to transitional issues.

At the hearing the submitter expanded on his submission, and noted that his concerns would be met if the Outer Residential rules were amended to enable consent to be granted to an increase in height of infill household units of up to 50% on a non-notified basis. The non-notified consent would be subject to the development being of a scale that was in keeping with the surrounding neighbourhood, the effects of the additional height being acceptable, and the site being within a 5 minute walk of an existing town centre.

Having visited the properties fronting Burgess Road, east of the motorway, the Hearing Committee tended to agree with Officers that there was limited scope for comprehensive redevelopment in the area due to lot shape and size, and the nature of the existing

building stock. Accordingly the Committee did not support the extension of the Area of Change in to this area.

With regards the submitters alternate relief, the Committee considered that the relief sought was 'ultra vires' under the RMA, insofar as it sought the introduction of a non-notification statement that was dependent on an assessment of the effects of the proposal. In any event the Committee noted that the alternate relief went beyond the scope of the original submission, and that the Committee was therefore legally unable to grant the relief sought.

**Submissions 173** requested that east Johnsonville, especially Lot 14, DP 375129 (15 Creswell Place) be removed from the Johnsonville Area of Change. After visiting Creswell Place, the Hearing Committee did not support this submission. While acknowledging that the pedestrian access to east Johnsonville was not as good as the rest of the Area of Change, due to the presence of the motorway and a significant climb, the Committee considered that the sections along Creswell Place provided reasonable potential for intensification. The Committee noted that in particular 15 Creswell Place provided over 4 hectares of undeveloped land within reasonably close proximity to the Johnsonville town centre.

**Submission 172** requested that the Area of Change boundary be amended to only include properties within a five minute walk of the town centre. The Committee did not support this submission on the grounds that some areas within five minutes walk of the town centre were not appropriate for inclusion within the Area of Change while there were other areas in the five-ten minute walking range that provided significant scope for intensification. Accordingly the Committee considered that strict adherence to a five minute walking zone would be a blunt response, and inappropriate in the circumstances.

#### Recommended Decision

- **Accept** submissions 71 and 351 insofar as they support 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** supported the provisions applying to the Kilbirnie Area of Change. This support was accepted.

**Submission 124** requested that Council allow a mixture of housing types.

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

The Committee noted that the standards that apply in the Kilbirnie Area of Change do not pre-determine the type of housing that would 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 the Committee considered important that consent was required for all additional household units.

**Submission 67** opposed the proposed standards for front yards, vehicle crossing widths and accessory buildings in front yards. The submission was particularly concerned that the new provisions would penalise developments on sites with existing non-compliance(s). The Committee considered that there was a sound rationale for the standards proposed and that they should be retained (see section 4.4.1 above for further details). The Committee also noted 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, and that 'existing use rights' could also be considered.

#### Recommended Decision

- **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** requested that the properties from 52-84 Ross Street be included within the Kilbirnie Area of Change. **Further submission 6** opposed this submission.

The Committee noted that the area in question was originally included in the Area of Change when it 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. On reflection Officers agreed and the properties were removed from the Area of Change when DPC 72 was notified.

The area comprises of 15 modest but solid houses on small sites (between 300-400 sq.m). Officers considered that while the properties were part of a larger block that is zoned Area of Change, they were separated from the remainder of the Area of Change by the bulk of the bus barn buildings. Officers considered that the properties had a character more aligned with the houses to the east across Ross Street, and that there was limited potential for intensification in the area given that the existing properties were already reasonably intensively developed. Compared to the properties included in the Area of Change, Officers also considered that this area was more remote from the Town Centre in terms of walking distance. Officers therefore recommend that the properties remain outside the Area of Change.

**Submitter 44** (Infratil Property Infrastructure Limited) spoke to the hearing and confirmed that they felt that the properties at 52-84 Ross Street, Kilbirnie should be identified as part of the Area of Change. The submitter considered that an Area of Change zoning would be a more appropriate interface between the Kilbirnie Town Centre and the Outer Residential zone and that the Ross Street properties were the only properties zoned residential that are located immediately adjacent to the Centres zoning.

The submitter also presented evidence regarding the proposals to redevelop the adjacent 'bus barn' site for a mixture of residential and commercial uses.

**Further submitter 6** (Dave Gibson) spoke to the hearing and confirmed that the Ross Street (bus barn) properties should not be included on the Area of Change. This was because the existing housing stock was consistent in terms of character and scale, and matched the properties on the other side of Ross Street. The submitter considered that the re-development of the bus barn site should maintain the character of Ross Street given that it was proposed to retain the walls of the bus barn building.

The Committee noted the comprehensive nature of the re-development plans for the bus barn site, and considered that the question of whether the Ross Street properties were better zoned Outer Residential or Area of Change hinged to a large degree on the nature of future development of the site. While the Committee was supportive of the principals and ideas driving the redevelopment of the bus barn site they did note that the current plans were not finalised, and could change significantly.

Following a visit to the site the Committee concluded that it would be premature to decide on the appropriate zoning of the Ross Street properties before there was more certainty regarding the future of the bus barn site. The Committee noted that the Council was currently undertaking a public process to develop a town centre plan for Kilbirnie, and that this presented opportunities to clarify these issues. The Committee understood that Council was likely to prepare a Variation to Plan Change 72 and 73 to implement the findings of the town centre planning process, and considered that the issues of whether Ross Street should be included in the Area of Change would be better dealt with as part of that variation.

**Submission 81** seeks that Council exclude Kilbirnie Crescent from the Kilbirnie Area of Change. The Committee did not support this request on the grounds that Kilbirnie Crescent is situated in close proximity to the town centre, with very convenient access to a range of key public services and public transport routes.

#### Recommended Decision

- **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** requested the retention of objectives 4.2.2, 4.2.3 and 4.2.4, and associated policies as notified. While this support was accepted, the Committee noted that some of these policies had been amended as a result of other submissions.

**Submission 60** requested that the 'CURA' rules referred to in Appendix 9A of the operative District Plan for Aro Valley be retained. The Committee noted that the rules and standards applying to Aro Valley had 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). The Committee noted that the boundary of the area had not been updated to reflect the mediated settlement arising from the resolution of appeals on DPC 50, and directed officers to update the maps to reflect the agreed boundary.

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

Officers agreed that the generic Outer Residential height of 8 metres, was significantly taller than the existing building stock and GIS analysis of the properties in the area indicated average site coverage of around 40 percent. Officers could 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 had 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 had the opportunity to comment on these proposals, officers considered that this matter would be better dealt with as part of a separate plan change.

**Submitter 70** (Dave Gibson) spoke to the hearing, and noted that the suggested controls were intended to encourage retention of Kilbirnie's existing building stock and character. While the submitter indicated that he would like the changes made now, he noted that he could accept it being dealt with as a further plan change if it was progressed reasonably quickly.

The Hearing Committee agreed that the identified area had a consistent built form, comprising predominantly single storey bungalows. However the Committee agreed with officers that the changes requested would impact on a significant number of properties and would be better dealt with as part of a separate plan change.

#### Recommended Decision

- (vii) **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.
- (viii) **Accept** submissions 60 insofar as the specific bulk and location rules for Aro Valley have been included in DPC 72.
- (ix) **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 Crescent, 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 Crescent 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 proposed that three new areas be made subject to the pre-1930 demolition control. These were:

- 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 were highly visible, contained significant concentrations of prominent buildings built prior to 1930, and contributed to the 'sense of place' of the wider city.

**Submission 2 and 30** endorsed these areas as notified, and this support was accepted.

**Submission 49** requested that the Easdale/Kinross Street area be extended to include the properties at 126 Bolton Street and 34 & 38 Wesley Road. This submission was supported by **further submission 4** if the buildings on those sites were built prior to 1930. **Submission 11** requested that the Easdale/Kinross Street area be deleted. The Committee did not support deletion of the Easdale/Kinross St area, on the basis that the area remained highly intact and contained a significant collection of Arts and Craft architecture that was unique in the inner city suburbs. Officers noted that 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.

**Submitter 49** (Russell Franklin) spoke to the hearing and requested that the Bolton Street area be extended to include three additional properties of 126 Bolton Street, 34 Wesley Road and 38 Wesley Road. The submitter considered that these buildings contributed positively to the character of the wider area and sat comfortably within the wider setting.

The Hearing Committee sought clarification as to whether there was any issue of fairness raised by the inclusion of the three additional properties in the pre-1930 demolition area. In their reply to the hearing Officers noted that they did not consider that there is a fairness issue as the change would only materially affect one property. According to Council records one of the properties was constructed after 1930 and 34 Wesley Road is already a listed heritage building.

Following a site visit, the Hearing Committee agreed that the three properties should be included in the pre-1930's demolition area. While acknowledging that the buildings had a different character to the remainder of the area, the Committee considered that they complemented the other buildings, and that they had close physical proximity to the other buildings. The Committee also considered that the boundary of the areas more logically followed Wesley Road.

**Submission 45** requested that 27 Portland Ave, Thorndon be removed from the pre-1930 demolition area on the basis that the property did not contain any buildings and had a character more closely aligned with the adjacent Central Area buildings. **Further submission 4** requested that the site be retained in the Appendix 1 area if it contained a building built pre-1930. The Committee agreed that the site occupied a unique location

wedged between adjacent Central Area sites, and considered that inclusion in the Appendix 1 demolition area is not justified as the site was empty. The Committee noted that development of the site in the future would still require consideration of context and character, and would be assessed against the content of the Residential Design Guide.

**Submission 21** requested that the boundary of the pre-1930 demolition area (as shown in Appendix 1 to the rules) be amended to reflect requested changes to the Inner Residential zone boundary as it crossed the properties at 296-304 Tinakori Road. The Hearing Committee agreed that the Inner Residential zone boundary should be amended in this location (see discussion in section 4.25 below), and that the Appendix 1 boundary should be amended to match the zone boundary.

**Submission 78** sought to ensure that the boundary of The Terrace pre-1930 area did not extend any further south of 276 The Terrace. **Further submission 4** opposed this submission. The Committee considered that this submission should be accepted on the basis that it was not proposed to alter the boundary of The Terrace area.

**Submission 47** sought 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** opposed this submission. The Committee considered that lower Terrace Gardens was 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. The Committee also noted 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. Accordingly the Committee considered that the two houses should remain in the Appendix 1 Area.

**Submission 60** requested 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** supported the pre-1930 provisions and requested that the rules be extended to cover Mt Victoria south, Brooklyn north, Kingston, Highbury, Kelburn and Seatoun.

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

Officers noted that while the areas suggested by **submissions 13 and 60** undoubtedly contained significant numbers of buildings built prior to 1930, it did not automatically follow that application of the demolition rule was needed or justified.

**Submitter 60** (Roland Sapsford) spoke to the hearing and noted that under clause 9.1 of the memorandum of counsel in support of the mediated settlement on DPC 50 (dated Nov 2008), Council had agreed to undertake further investigations of the heritage and character values of the area around Holloway Road, Norway, Thule and Entrance Streets. The submitter was disappointed that this work had not been carried out, and reiterated that these areas should be included in the pre-1930 demolition area.

The Hearing Committee agreed that there had been a failure of process in regard to clause 9.1 of the memorandum of counsel, but noted that they could not remedy that failure as part of the DPC 72 process. The Committee was however able to consider the merits of including the suggested areas in the pre-1930 demolition area, and noted that



they were surprised that the submitter had not provided any additional evidence at the hearing to justify their inclusion.

Following a site visit of the area the Hearing Committee agreed that the pre-130 demolition area should be expanded to include Holloway Road. The Committee considered that Holloway Road had a very unique character that was very sensitive to change. The area was very discrete in size and physically separated from the remainder of Mitchelltown suburb.

The Hearing Committee considered that the case for including the remaining streets was somewhat less compelling. The Committee considered that these areas were more varied and had a less consistent streetscape character than Aro Valley proper. They also noted that the areas were physically separated from Aro Valley and not highly visible to the City as a whole. For these reasons the Committee did not support the inclusion of Norway, Thule and Entrance Streets into the pre-1930's demolition rule area.

The Hearing Committee also noted that 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 it was decided that Landcross Street was relatively removed from Aro Valley proper, and should not be subject to the demolition rule. The Hearing Committee considered that the situation had not changed materially since that decision was taken and that Landcross Street should remain outside the pre-1930 demolition area.

The Hearing Committee also had some sympathy for the matters raised by submitter 13 regarding the application of the pre-1930 demolition controls to wider areas. While acknowledging that the background research had not been undertaken at this stage, the Committee wished to record that they felt there were additional areas around the city that had character and townscape values worthy of investigation and consideration.

#### Recommended Decision

- **Accept** submission 2 & 30 insofar as they support the proposed areas.
- **Reject** submission 11 insofar as it requests deletion of the Easdale/Kinross Area
- **Accept** submission 49 insofar as it requests extension of Easdale/Kinross Area as shown on *Appendix A* to this report.
- **Accept** submission 45 insofar as it requests the removal of 27 Portland Crescent as shown in *Appendix B* to this report.
- **Accept** submission 21 insofar as it requests realignment of the boundary along Tinakori Road, Thorndon as shown in *Appendix C* to this report.
- **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 map identifying the *'Inner Residential Area where pre-1930's Demolition Controls apply'*.
- **Accept** in part submission 60 insofar as it is proposed to extend the pre-1930's rule to cover Holloway Road as shown in *Appendix D* to this report.
- **Reject** submission 13 insofar as it requests the pre-1930s demolition rule apply to Mt Victoria south, Brooklyn north, Kingston, Highbury, Kelburn and Seatoun.

#### **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 additions and alterations 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 applied to Newtown, Berhampore and Mt Cook were not the same as the original provisions that applied to Thorndon and Mt Victoria. DPC 72 updated the provisions so that there is one consistent set of rules across all areas. This entailed:

- Amending the definition of demolition so that it included 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 was defined and was usually the elevation facing the street.
- Identification of two additional collections of buildings where the primary elevation included the rear elevation of the building. These were 27-39 Ohiro Road and 6-18 Maarama Crescent in Aro Valley.
- Removal of the non-notification statement that applied in Thorndon and Mt Victoria. The statement required Council to process applications as non-notified if the applicant submitted written evidence of consultation with the local residents association. However the clause did not refer to the outcome of the consultation, and as a result an applicant could undertake consultation with the residents association and irrespective of the outcome would become exempt from public notification. Officers recommended that this clause be deleted and that Council should rely on the provisions of the RMA to decide when the effects of a demolition proposal were sufficient to warrant public notification.

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

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

**Submission 27** requested that the information requirements section in chapter 3 be amended to refer to medium and long range views of townscape, and to require applications to show the 'eight' buildings described in the street elevation. Committee agreed that these amendments would be consistent with the regulatory approach put forward in DPC 72 and should be adopted.

**Submission 38** requested that the definition of demolition of a pre-1930 building be amended to include additions and alterations that render the existing building indiscernible. The Committee considered that the second bullet point of the existing definition adequately provided for this scenario.

**Submission 27** requested that the definition of 'Addition and Alteration' be amended to refer to rule 5.3.6. For the sake of accuracy the Committee agreed that this change should be made.

A number of submissions requested changes to the assessment matters contained within policy 4.2.2.1.

**Submission 38** suggested 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'.*

The committee could 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 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 requested that Council remove the pre-1930 demolition assessment criteria regarding the potential financial effects on the owner of retaining/demolishing a building. The Committee noted that these criteria had been removed and had been replaced by the following

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

**Submission 38** requested that Council amend the pre-1930 demolition assessment criteria 'is the building an essential element in the townscape', by removing the word essential. The Committee noted that the term 'essential' was not included in any of the assessment matters included in policy 4.2.2.1.

**Submissions 27 and 38** requested that Council require an independent report from a structural engineer when considering the condition of an existing pre-1930 building.

**Submitter 27** (Mt Victoria Residents Association) spoke to the hearing and reiterated that questions of structural integrity should be subject to an independent assessment.

The Hearing Committee noted that the current policy provided scope for Council to require an independent assessment. The Committee considered that this was appropriate, and that the decision as to whether to require an independent assessment was best determined based on the specifics of an application, rather than through a mandatory requirement.

**Submission 38** requested that Council develop a definition of 'major structural flaw'. The Committee was not convinced that defining 'major structural flaw' would improve the application of the pre-1930 demolition controls. The policy referred to the 'structural integrity of the building' and the Committee considered that consideration of the overall integrity of the building was 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** supported the amended wording around the consideration of existing pre-1930 buildings, and suggested amendments to the policy to clarify that the condition of the building would only be considered once the townscape contribution of the building had been established. The Committee considered that the current wording of policy 4.2.2.1 already achieved this in that it clearly stated that the first assessment to be undertaken was the degree to which a building contributed to local townscape character.

**Submission 38** requested that townscape as well as streetscape should be considered when assessing the effects of the demolition of a pre-1930 building. The Committee noted that this change had already been incorporated into DPC 72.

**Submission 25** suggested that Council Officers undertake further training in what 'townscape' really means. The Hearing Committee did not agree and considered that the urban design and heritage staff at Council are suitable qualified to undertake these assessments.

**Submission 362** requested 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 considered that this would help to remove the motivation for owners to demolish and ensure that new buildings were sympathetic to their surroundings.

**Submitter 362** (Craig Palmer) spoke to the hearing. The submitter expressed concern that buildings could be neglected and allowed to deteriorate in order to justify demolition, and suggested a requirement to replace any demolished buildings “like with like”. This would act as an incentive not to allow buildings to fall into disrepair.

The Committee did 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. The Committee also considered that requiring replication would not necessarily deliver better townscape outcomes and that contemporary architecture could be successfully integrated into established areas if handled with care.

**Submission 27** suggested 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. The Hearing Committee noted that when researching DPC 72, Officers undertook a streetscape survey of Mt Victoria to see if any groups of buildings justified 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 no situations where groups of buildings with significant rear elevations were clearly visible from nearby public spaces. The Hearing Committee noted that while Officers did not identify any rear primary elevations in Mt Victoria, the definition of ‘primary elevation’ was amended to include ‘elevations facing a formed public accessway’, as these are relatively common in Mt Victoria. This amended definition would satisfy a number of the concerns raised by the submitter.

**Submission 27** supported the removal of the existing non-notification clause from rule 5.3.6 but considered that all applications should require mandatory notification. **Submissions 38 and 362** also requested mandatory notification of all applications to demolish.

**Submitter 27** (Mt Victoria Residents Association) spoke to the hearing. The submitter considered that all demolition resource consent applications should be publicly notified so that the community could debate the respective contribution that the building in question makes to the surrounding neighbourhood. The submission considered that publicly notifying these resource consent applications would create a disincentive to applicants, would improve the quality of information provided with the application, and enable the community to contribute to the debate. The submitter also expressed concern at the get out clause for “exceptional design” and recommended there be a heritage advisor/conservator on any hearing panel.

The Hearing Committee did not support mandatory notification in this instance. The Committee noted that 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 the Committee agreed that it would have been unreasonable to require mandatory public notification when the building made no contribution to the local townscape. Instead the Committee considered that it was more appropriate to rely on the provisions of the RMA to determine whether a proposal would generate effects that were more than minor and should therefore be publicly notified.

**Submission 362** requested 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.

**Submitter 362** (Craig Palmer) spoke to the hearing and stated that stronger demolition rules were required, the design guides were too subjective and should include more prescriptive rules. This would provide more certainty for officers and developers. The submission requested that the design guidance from the previous Mt Victoria Design Guide be reinstated, and the quality of information supplied with resource consent applications needed to improve markedly.

Overall the Committee considered that revised policy 4.2.2.1 was a significant improvement on its predecessor, and appeared to meet the submitters concerns. The Committee considered that the new policy gave clear guidance as to the intent of the pre-1930 demolition controls, and provided a balanced and robust assessment framework for the consideration of demolition proposals.

**Submission 57** requested that policy 4.2.2.1 be amended to recognise that some pre-1930 properties in Mt Victoria and Mt Cook could be affected by future state highway roading works. **Further submission 4** opposes this submission.

**Submitter 57** (NZ Transport Agency) spoke to the hearing and requested that the explanation to policy 4.2.2.1 be amended as follows:

*There will be a strong presumption against the demolition of pre-1930 buildings unless the above analysis indicates that the existing building makes little contribution to valued aspects of the townscape character, or it can be clearly demonstrated that condition of the existing building makes its retention impractical, or if the demolition is associated with a project with large scale public benefits (such as public infrastructure) in which case the application shall be considered on its merits without a strong presumption against the demolition.*

The submitter considered that the amended policy provided a more suitable balance between the desirability of preserving townscape character, and the benefits accrued by major infrastructure projects.

The Committee considered that there were a range of means by which to balance the benefits and costs of major infrastructure developments. In particular, the Committee noted that Part II of the RMA required consideration as to whether a proposal would assist in enabling people and communities to provide for their social, economic and cultural wellbeing. The Committee considered that the current policy was appropriately worded for the issue that it was seeking to manage, and were not convinced that the suggested text was appropriate or necessary. The Committee also noted that a number of other policies in the Residential chapter refer to the strategic importance of the State Highway network, which would allow an appropriate balancing of the benefits and costs of any future development proposal. On balance the Committee considered that the submitters request should not be accepted.

#### Recommended Decision

- **Accept** submissions 16, 8, 27, 30, 47 & 69 insofar as they support the provisions as notified.
- **Accept** submission 6 insofar as it supports the retention of good quality pre-1930 buildings in Wellington's inner city areas.
- **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 in part** submissions 27 and 38 insofar as they are consistent with the notified plan change provisions relating to the requiring townscape assessments be completed prior to considering 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** in part submission 27 insofar Council will rely on the notification provisions of the RMA to determine whether proposals for the demolition of pre-1930s buildings will be notified.
- **Reject** submission 27, 38 and 362 insofar as they request mandatory notification.
- **Reject** submission 25 insofar as it requests additional training for Council staff on issues of townscape.
- **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 residential areas of the City that had a unique character that was '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 (as OR2) 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** supported the proposed provisions and this support was accepted.

**Submission 69** was concerned that there were places along the coast where the inland boundary of the RCE sat below the 13 metre contour, thereby nullifying the intent of the area.

**Submitter 69** (Michael Taylor) spoke to the hearing. The submitter confirmed he supported the concept of the residential coastal edge but considered all coastal land should be included. The submitter supported additional management of development in coastal areas.

The Hearing Committee noted that this occurs either where the land below the 13 metre contour was in public ownership, or in areas where the coastal escarpment was less pronounced. These latter areas occurred where the slope of the escarpment was less challenging allowing houses to be built on the slope rather than just at the toe of the escarpment. In these areas the Committee considered that there was little benefit in applying the special RCE controls as there were already established buildings, gardens, and other structures above the 13 metre contour, so the boundary of the area had been drawn along the street frontages of these properties.

Two submissions were received in opposition to the RCE. **Submission 7** considered that the proposal was unnecessary and unfair. The submission considered that the new provisions should either be made voluntary, or property owners should be compensated for lost development potential.

**Submitter 7** (Shirlee Allerby) spoke to the committee and confirmed that she opposed the RCE controls on the grounds that the provisions, particularly the 13 metre height limit, would remove development rights from land owners and reduce the value of their land. The submitter noted that they had bought their property at 113-114 Breaker Bay Road with a plan to develop four units, two at the top of the slope and two on the flat land at the bottom. The proposed RCE rules meant that the upper units could not be developed, and this would result in an inferior development. In particular the submitter noted that the rules would force all the units to be developed at the bottom of the site, resulting in the removal of a stand of 150 year old karaka trees from the rear of the site.

The Hearing Committee visited the site and noted that Breaker Bay was characterised by buildings being located on the flat areas towards the front of the sites. The Committee



considered that the introduction of buildings on the middle to upper sections of the escarpment could have a significant impact on the character of the area, and therefore it was appropriate for those proposals to go through a resource consent process. The Committee agreed that it would be a shame if the karaka trees were removed from the site, but considered that overall the potential impact of new buildings built higher up the slope outweighed the effects of the possible removal of the trees.

The Hearing Committee concluded that the proposed controls were appropriate and should be retained. The rules had been carefully considered and drafted to reflect the predominant development patterns in these areas. The Committee also noted that no activities are prohibited; rather the new rules provided a trigger to enable careful consideration of development proposals that could potentially impact on the special character of the coastal area.

On the issue of compensation the Hearing Committee noted that under the RMA compensation is generally only payable if a planning rule was so onerous that it rendered a property incapable of reasonable use. The Committee did not consider that the proposed RCE rules fell into this category.

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

- The majority of property was located above the 13 metre contour so it was not possible to comply with the District Plan standard
- The property was largely undeveloped and did 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 was no escarpment in this location, rather it was a headland with cuttings developed as part of the formation of The Esplanade/Queens Drive

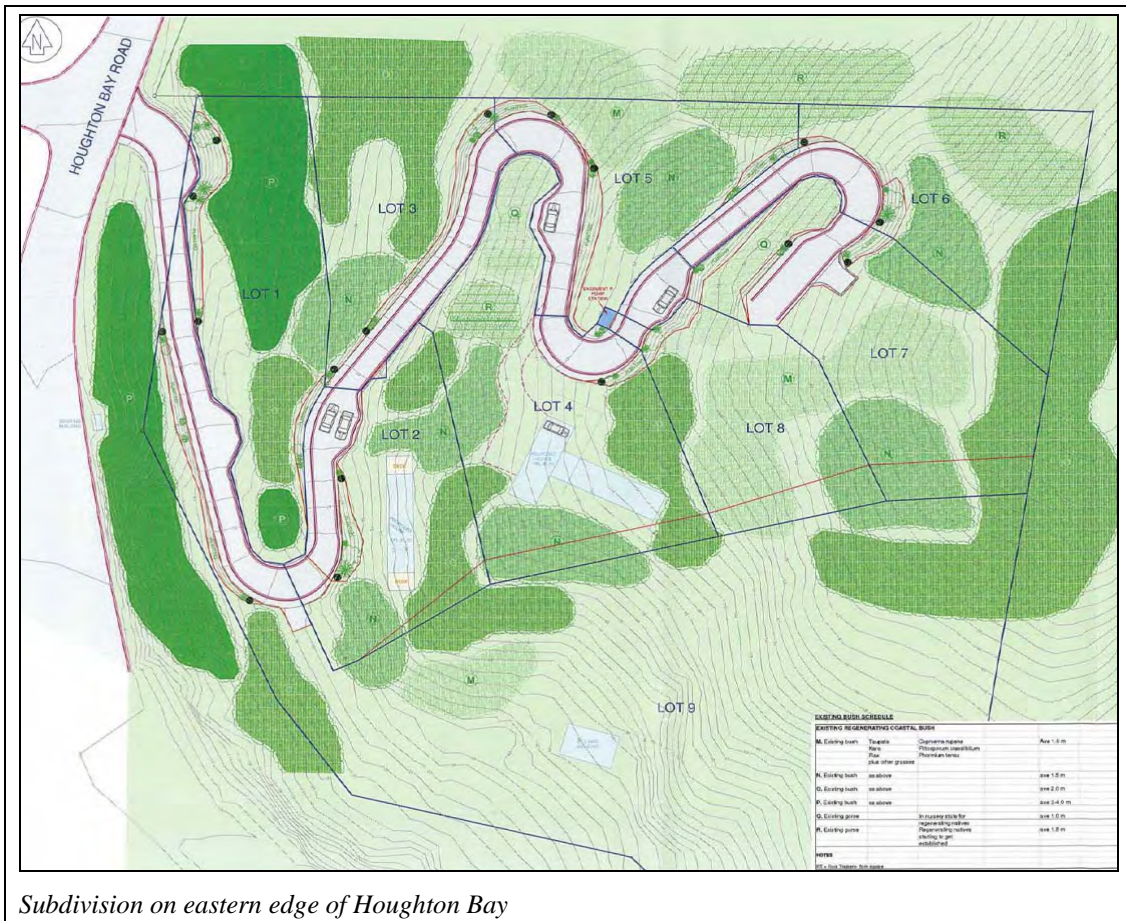
Officers acknowledged that the site in question did not display the development patterns typical of the RCE. It was unusually large, extended further inland than most other properties and was largely undeveloped.

Officers also agreed 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 did not explicitly recognise those areas that formed part of the coastal environment, but which did not display those patterns. This left a policy void in terms of how any future development should be considered. However Officers did not consider that this meant that the 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 were located above the 13m contour. These areas included the eastern side of Houghton Bay, and the area between Breaker Bay and the Pass of Branda. These were highly visible coastal areas that were zoned Outer Residential so may be subject to development in the future. If and when these areas were developed Officers considered that it was important that some consideration be given to the potential impact on coastal character.

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

Officers noted that Council was currently processing a 9 lot fee-simple subdivision for this site. It was probable that a decision would be released on this consent prior to a decision being issued on DPC 72. The proposed subdivision layout is shown below:



Subdivision on eastern edge of Houghton Bay

The subdivision proposed to create a large residential lot (approx 6000 sq.m) at the southern (coastal) end of the property. Under the subdivision proposal this lot was not subject to any of the covenants or restrictions that had been suggested for Lots 1-8. Officers considered that Lot 9 was the most prominent lot and given its size it had significant development potential. Given the prominence and size of this lot it was 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 considered that the remainder of the property could be excluded from the RCE on the grounds that the land was further from the coastal edge and would be developed in accordance with the controls attached to the current subdivision.

Officers therefore recommended 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.

Submitter 53 (No Trust Ltd) spoke to the hearing. The submitter advised that proposed Lot 9 formed part of the current subdivision, being the 'balance' lot, and that the majority of the site was above the 13m contour. The submitter reaffirmed that the site did not fit the characteristic patterns described in the residential coastal edge policy.

The submitter noted that the current application for subdivision had gone to significant lengths to minimise earthworks and integrate the development into the landscape. The application included designated building sites that seek to minimise the visibility of

dwellings and identified significant areas of regenerating vegetation to be protected. The development also proposed to capture the earth dislodged in the creation of the access road to help minimise the impact on existing vegetation and to reduce the visual effects.

The submission supported removal of Lots 1-8 from the RCE but considered Lot 9 should also be removed. However, if it was included, the submitter considered it should be subject to site specific controls, drawing on the design philosophy used on Lots 1-8. These could include:

- provision for four new lots
- one house per lot
- no development within 3 metres of the top of the cut face above The Esplanade
- identification and protection of regenerating bush

The submitter also questioned whether Council was able to insert additional policy guidance, given that no submissions had requested this change.

In response to a question from the Hearing Committee the submitter acknowledged that the Houghton Bay property had a special character, and they had sought to respond to this in their proposed subdivision. The submitter agreed it would be a shame if the site were developed using mass earthworks and little regard to the uniqueness of the location.

In their reply Officers noted that the subdivision consent had not yet been granted, as there were outstanding issues around cultural significance to Iwi. Officers also agreed with the submitter that the decision requested in the submission was tightly phrased and requested only that the site be removed from the RCE. Officers considered that this left the Committee with little scope to consider other relief such as additional policy guidance or site specific controls for Lot 9.

Following a visit to the site, the Hearing committee considered that the eastern edge of Houghton Bay was very prominent, and formed an important landscape element that contributed to the character of the wider area. The Committee also acknowledged that the submitter's property was zoned for residential purposes and that some degree of development should be anticipated in the future.

The Committee wished to note that they were highly sympathetic to the case raised by the submitter. The Committee could not fault the submitter's commitment to the site and commended the lengths that they had gone to ensure that the proposed subdivision sat 'lightly' on the land and responded appropriately to the context. The Committee noted that in many ways the development was entirely consistent with the intent of the RCE.

However the Committee noted, that at the time of deliberations, consent had not been granted for the proposed subdivision. The Committee considered that they had no option but to proceed on the basis that the subdivision may not occur, and that the site might be subject to alternate development proposals in the future. In this regard the Committee considered that the boundary of the RCE should remain in its current location so that Council had sufficient checks and balances in place to ensure that any future development recognised and responded to the prominence and landscape values of the site. In reaching this recommendation the Committee wished to reiterate that they considered the proposed subdivision to be appropriate for the site.

The Committee considered that if the current subdivision was approved, and titles issued for the new lots, then the Council should undertake, as soon as possible, to re-align the boundary of the RCE to follow the northern boundary of Lot 9 (as shown on the above plan).

The Committee noted that this should go some way to resolving the submitters concerns regarding Lots 1-8, but left the question of how to provide some certainty as to the future development potential of Lot 9.

Because of the narrow focus of the submission the Hearing Committee noted that this matter would have to be managed using non-District Plan mechanisms. On the advice of

Council's subdivision officers the Committee noted that it should be possible to signal the form of future development that would be generally appropriate on Lot 9 by way of a consent notice. The notice (prepared as part of the current subdivision consent) should be developed along the lines of the matters raised in the submitter's presentation to Committee. These were:

- a limit of four allotments
- a limit of one house per allotment
- identification and protection of regenerating bush
- restrictions on the placement of building development (including earthworks) to help integrate new development into the coastal environment.

While acknowledging that future building works on Lot 9 would require consent, the Committee considered that the consent notice would provide a strong signal that Council anticipated some degree of development on the site, subject to careful treatment of earthworks, building design and location, and the retention of regenerating bush.

#### Recommended Decision

- **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
- **Reject** 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** sought greater protection for the coastal environment, including rules to prevent new structures on the seaward side of coastal roads. The Committee noted that the vast majority of land on the seaward side of the coastal road was zoned Open Space so was outside the scope of DPC 72. It also noted that there was 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** requested that the plan provide for esplanade reserves of 20 metres above mean sea level to be set aside. The Committee noted that the plan already makes provision for the taking of esplanade reserves if land adjacent to the coast is subdivided. However in reality it was unlikely that this would happen as the only area of the city where residentially zoned properties abut the coastal edge was a small pocket of approximately 12 properties on the eastern side of Lyall Bay. Outside of this area the land abutting the coast was either road reserve or open space land already owned by Council.

**Submission 10** suggested 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. The Committee did not support this change at this time on the basis that further work was be required before Council could assess the need for additional controls to help manage effects relating to sea level rise and coastal storm events. The Committee also note that there are only 12 residentially zoned properties located on the seaward side of the coastal road, so there was little scope for new residential development to impact on access to the coast or inhibit restoration of the coastal environment.

#### Recommended Decision

- **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** supported the Residential Design Guide as notified. This support was accepted.

**Submission 27** requested that side and rear yard setbacks are included as 'primary characteristics' under guideline G1.1. The Committee considered that the issue of building layout on site was already adequately covered by the term 'plan dimension and siting' which was referred to in G1.1 and explained further under guidelines G1.7 and G1.8.

**Submission 60** sought amendments to the content of the design guide to more accurately reflect the character, streetscape and amenity of Aro Valley and peripheral areas. The Committee agreed that this content, which had been developed as part of the mediated settlement on DPC 50, should be included in the Aro Valley appendix to the Residential Design Guide.

**Submission 27** noted that the Mt Victoria North design guide was woeful and should be replaced. The Committee agreed that the current design guide was poor and noted that DPC 72 addressed this situation by applying the whole of the residential design guide to the Mt Victoria North area.

**Submission 366** requested that the Residential Design Guide be amended to place a greater emphasis on the provision of residential units that were accessible to people with limited mobility. The Committee agreed that some degree of guidance would be appropriate, particularly for new multi-unit developments that are clearly targeted towards occupants that were more likely to have mobility restrictions. The following new guidelines were approved:

G2.13 For developments that are likely to be occupied by people with limited mobility, where practical provide either internal garaging 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 requested 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. While the Hearing Committee wished to record that they found this submission useful, it noted that the requested work fell outside the scope of DPC 72.

**Submission 163** sought better urban design for the Johnsonville centre area. The Committee noted that this matter had been provided for under DPC 73, which installed a requirement for an urban design assessment for new buildings within Wellington's suburban town centres.

#### Recommended Decision

- **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
- **Accept** in part submission 60 insofar as requests more detailed descriptions of the character of Aro Valley and peripheral areas, including Holloway Road.
- **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** requested that Council place a stronger emphasis on clean air and water when designing and building around Wellington. The Committee noted that at a high level the Council's general policy of urban containment and encouraging growth to occur in established urban areas helped to achieve these aims.

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

However the District Plan contained a number of mechanisms to help manage the impact of earthworks, subdivision and development on the natural environment. These included 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 supported 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.

While the Hearing Committee acknowledged the critical importance of trees and greenery within urban areas, it was not convinced that additional District Plan controls were necessarily the key to the overall greening of the city. The Committee agreed that there had been poor examples of vegetation clearance that had impacted on specific sites, but noted that in total the city had become much greener over the past 20 years. Trying to regulate individual gardens was considered impractical and it was unlikely to have any significant effect. The Committee considered that the Council's work in open space management, pest management, and the identification of important ridgelines and hilltops were all more likely to enhance the overall greening of the city, compared to additional district plan controls.



The Committee did consider that there was scope to provide additional protection to key areas of indigenous vegetation. Recent amendments to the RMA, removed Council's ability to apply blanket vegetation protection rules, so 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. The Committee considered that this work could not be implemented as part of DPC 72 and recommended that it be included as part of the upcoming 10 yearly comprehensive review of the plan.

**Submissions 63 and 64** sought 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 the Committee noted that large portions of the northern and southern ends of the peninsula are already zoned as either Conservation or Open Space, and therefore had a reasonable degree of protection.

With regards the northern growth area, the Committee noted that future development in this area would be managed in the first instances under the provisions of the 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.

#### Recommended Decision

- **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** supported objective 4.2.8 relating to the maintenance and enhancement of natural features. This support was accepted

**Submission 361** requested that Council identify sites with significant indigenous biodiversity values on the District Plan maps. The submission noted that approximately 400 sites of significant indigenous biodiversity had been identified around Wellington City. The Committee noted that under the District Plan the Conservation zone was used to manage areas of significant ecosystems and habitats. A review of this chapter was due to be initiated in 2010 as part of the ten yearly review of the district plan, and the Committee considered that additional sites were best considered for conservation status as part of that process.



**Submission 361** requested 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 was accepted.

**Submission 361** also requested that Council add a new policy at 4.2.8.2 that ensured protection and restoration of indigenous ecosystems and habitats. The Committee was comfortable with this suggestion on the grounds that it was consistent with the wording of the overarching objective, but noted 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. The Committee supported the following wording:

*4.2.8.4 Encourage retention and restoration of indigenous ecosystems and habitats.*

#### Recommended Decision

- **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** supported objective 4.2.5 relating to energy efficiency and sustainability. This support was accepted.

**Submission 59** requested 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

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

**Submission 57** requested 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. The Committee considered that this submission should be accepted and that the following text should be added after the first sentence in the first paragraph:

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

**Submission 361** was concerned that policy 4.2.5.1 was too narrowly focused on building design, and should be expanded to encompass other aspects of sustainability. The submission proposed 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.*

The Committee accepted the concerns raised in the submission but considered that the policy should be amended 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** considered that the District Plan should provide a clearer expression of planning support for sustainable development practises and green building technologies.

The Hearing Committee noted that Officers had investigated this matter thoroughly when researching DPC 72. Officers agreed that it was desirable to provide incentives for sustainable buildings, but concluded that the District Plan was a fairly blunt tool for achieving this, as the only carrot that the District Plan could offer was increased development potential. In the residential context this generally meant 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 could be built in their area.

The Committee also noted that in March 2008 the latest amendments to the Building Code came into effect. Under the code all new residential buildings were required to achieve certain energy efficiency standards or BPI (building performance indicators). Consideration was given to the types of materials, insulation levels, lighting etc used in the proposed building. Although not perfect the new code was 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 the Hearing Committee considered that, at this time, the most effective approach to green buildings was 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 plan provisions are considered to be consistent with this approach.

#### *Recommended Decision*

- **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** supported policy 4.2.12.1 and its focus on public transport, cycling and walking. This support was accepted.

**Submission 57** supported policy 4.2.12.4, but requested that it be amended to include an additional assessment matter regarding the potential affect of a development on the state highway network. The Committee agreed that the following text should be added 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** supported policy 4.2.12.5 but requested that it be amended to include a specific reference to the importance of State Highway 1. The Committee agreed that State Highway 1 serves as the key north-south key transport corridor across the city, and considered that the following text should be added 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.

#### Recommended Decision

- **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** supported the proposed route. **Submissions 69 and 364** opposed the proposed route, while **submission 55** questioned the practicality of creating the link. **Further submission 9** was neutral in relation to the above submissions.

Submitter 69 (Michael Taylor) spoke to the hearing in opposition to the possible future link road from Wrights Hill to the southern landfill. The submitter requested that Council withdraw the link road from the policy on the basis that the description of the link road in the policy was ambiguous (it was unclear whether the road is intended to link to the southern landfill or Mitchell Street, Brooklyn) and the route of the link road was not shown on the planning maps.

In their reply Officers noted that the link road is not shown on the planning maps due to an error during map production. Officers also agreed that this error, combined with the inconsistent description of the link road in Policy 4.2.12.3 created an unreasonable level of uncertainty for submitters. The Hearing Committee agreed and directed that the reference to the Wrights Hill link road should be deleted from Policy 4.2.12.3

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** opposed the proposed connector road, on the grounds that the connection was not required and any further roading development would be detrimental to the local landscape and the heritage values of the 'Old Coach Road. **Submission 69** requested that the alignment of the existing road (at the northern end) be amended to be consistent with Appendix 9, Chapter 5.

Fred Wotton (submitter 33) spoke to the hearing, opposing the proposed McLintock Street link road. Mr Wotton considered that the link road should be abandoned on the grounds that it would be of little benefit as a bus route or as a bypass around Johnsonville. Mr Wotton referred the Committee to four documents that he felt demonstrated the limited benefit provided by the link road. These were:

- Montgomery Watson Harza report (2002), commissioned by WCC
- Northern Growth Management Plan Community Planning Week Outcomes (2002)
- Northern Growth Management Plan Outcomes report to Built and Natural Environment Committee (2002)

- Report to Built and Natural Environment Committee (2003)

The Hearing Committee sought clarification as to the status of these reports and how they contributed to Council's final decision to proceed with the link road. In the officers reply the following comments were tabled from Steve Spence, Chief Transport Planner, WCC:

*“The NGMP consultation week generated substantial discussion and debate with a wide range of views being expressed. It was the preliminary part of an ongoing and extensive process of deliberation by officers and Councillors and consultation with the public.*

*For the record, following the March 2002 planning week, and subsequent workshops, the results were referred to a Working Group of Councillors with a detailed officers' report presented to Built and Natural Environment Committee (BNEC) on 30 June 2003, summarising the results of the Working Group and recommending a redrafted Northern Area - Framework for Growth Management for the Committee's consideration. This included retention of the roading connections required to complete the NW Connector road.*

*At its 30 June 2003 meeting the BNEC adopted the officers recommended draft Framework and Implementation Plan for public consultation*

*The results of the subsequent public consultation were reported to the Committee on 30 September 2003 as requested and a further consolidated report brought to the Committee at its meeting on 16 October 2003, when both the Framework and Implementation Plan were formally approved by the Committee and then by full Council 20 October 2003.*

*It is quite clear that the Council went through a very comprehensive process before final adoption of the key documents which guide the implementation of the Northern Growth Management Plan. Mr Wotton has chosen selective fragments of information produced from the early stage consultation on the Plan. Although they clearly had some relevance at the time, they were overtaken by later work on the Plan.*

*Councillors took into account all the available evidence and information produced from the early stage NGMP consultation week, through to the final officer's report in October 2003, when deciding to confirm both the Framework and the Implementation Plan at the 20 October Council. This included confirmation of the Council's intention to proceed with the new roading elements of the NW Connector.'*

Given the above advice the Hearing Committee considered 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, provide for more efficient access and enhance the viability of public transport in this area. The Committee noted that including the link road in the plan did not allow it to be built, and that a further process would need to be gone through if the Council decide to proceed with the road. The Committee also agreed 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.

**Submission 57** requested 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. The Committee agreed that it was appropriate to make reference to future state highway improvements in policy 4.2.12.3, as it was highly likely that future works would be required to improve the capacity and efficiency of the state highway network. The Committee agreed that the following text should be added to the policy:

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

### Recommended Decision

- **Reject** submissions 5, 14, 15, 16, and 17 insofar as they support a future link road from Wright Hill to the southern landfill.
- **Accept** 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 Appendix E to this report.
- **Accept** submission 69 requesting the deletion of the reference to the Wrights Hill link Road from Policy 4.2.12.3.
- **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 effects of centres. (**submission 59**)
- 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** requested that policy 4.2.7.6 regarding early childhood education centres be amended to recognise that travel plans and public transport were valid means by which to manage the traffic effects of centres. While the Committee considered that the majority of early childhood education centres would be served principally by private

vehicle, it agreed that the policy should provide for consideration of other methods of managing traffic demand. The Committee agreed that the following text should 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 car parking.*

**Submission 57** requested that NZTA be considered to be an affected party to any application for an early-childhood education centre that might impact on the state highway network. **Further submission 9** sought partial amendments to the non-notification clause sought by submission 57. Officers agreed that NZTA should be considered to be an affected party for any application that was located on a site that fronted a state highway.

Submitter 57 (NZ Transport Agency) spoke to the hearing and requested that the non-notification statement be worded so that NZTA could be considered to be an affected party to applications that did not directly front a state highway. As per the discussion on non-notification statements in section 4.22 below, the Hearing Committee agreed that 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 may be considered to be an affected party to any application located on a site fronting a state highway.

**Submissions 27 and 362** requested that the definition of ‘work from home’ be amended to exclude the spray painting of motor vehicles. **Submission 362** also requested that the definition exclude any operation that used hazardous goods. At present the definition excludes the ‘repair or maintenance of motor vehicles’ and the Committee agreed that spray painting of cars had a similar potential to be incompatible with surrounding residential uses.

The Committee did not agree that the definition should also exclude any activity that used hazardous substances. There were 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 residential areas. Rather than exclude all of these activities the Committee considered that Council should continue to use the hazardous substances provisions of the plan to manage any activity that proposed to use hazardous substances in significant quantities.

**Submission 38** requested retention of the requirement that all workers must reside on the premises in the Inner Residential area north of John Street. The Committee noted that this clause had been retained in the current definition so this submission was accepted.

**Submission 55** suggested splitting rule 5.4.1 into two rules covering activities and buildings and structures, so that it was consistent with the overall rule structure. The Committee agreed that the current rule was an anomaly, as elsewhere in Chapter 5 the rules were separated between the management of activities, and the management of buildings and structures. The Committee agreed that rule 5.4.1 should be split into two so it was consistent with the structure used elsewhere in the chapter. 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** requested that Council amend the rules in the plan to provide for the on-going use of the Brentwood Hotel at 20 Kemp Street, Kilbirnie.

Officers agreed that the hotel was a long standing use and proposed to provide for it by incorporating the site into the adjacent Business 2 zone.

**Submitter 31** (Brentwood Hotel) spoke to the hearing seeking additional flexibility to undertake the hotel and associated activities on the site. The submitter endorsed the recommendation in the Officer's report to rezone the property to Business 1 Area.

The Committee agreed that the hotel site should be recognised in the District Plan but sought clarification as to whether the proposed re-zoning was within the scope of relief sought in the original submission, and particularly whether it was included in the summary of the submission that was publicly notified by Council.

In their reply Officers noted that the relief sought in the summary of the submission referred only to the insertion of a rule in the plan to provide for the hotel activity, and that the suggested re-zoning went beyond the relief sought in terms of the range of activities that could be developed on the site as of right.

The Hearing Committee agreed that the suggested re-zoning was outside the scope of the submission and concluded that the following permitted activity rule should be inserted to provide for 'hotel activities and ancillary activities' on the site at 20 Kemp Street.

**5.1.2.D Hotel activities are Permitted Activities on the site at 20 Kemp Street (Sec 108 Evans Bay District), provided they comply with the standards specified in 5.6.1.**

The Committee also considered that the following definition should be included in the plan to help clarify the nature of 'hotel activities'.

**HOTEL:** means any premises used principally for the provision to the public of:

- residential accommodation offered for a daily tariff
- liquor, meals and refreshments for consumption on the premises.

**Submission 42** requested 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 did not support zoning this property to Central Area. The site had been zoned as residential for over thirty years and there were residential properties located in close proximity to the site on three sides. Officers considered that creating a Central Area zone would result in almost any activity being permitted as of right on the site, potentially to the detriment of the adjoining residential properties.

The submission noted that under the current residential rules, any changes to the church activities on site required consent as a Discretionary Activity (Unrestricted). Officers agreed that this was unduly onerous given the nature of the building and its history of commercial office use. Officers also agreed that there is merit in permitting a limited range of non-residential activities on site, provided that these met 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 zoning.

**Submitter 42** (E Street Association Inc) spoke to the hearing, and noted that they owned a listed building at 2 Hania Street. The submitter supported the Officer's recommendation to include a new rule to provide for church activities on site, but requested that the rule be extended to also provide for "office" activities. The submitter advised that retaining a commercial tenant was the key to enabling the upgrade and maintenance of the listed heritage building, otherwise there was limited funding available to undertake the works.

The Hearing Committee agreed that the Hania Street site was unique and that this should be recognised in the plan. The Committee agreed that the following new rule should be inserted into section 5.1 of DPC 72:

**5.1.2.A Church and church related activities, and office 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,**

#### Recommended Decision

- **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 make special provision for hotel and hotel related activities at 20 Kemp Street, as provided for by rule 5.1.2.D and as shown on Appendix F to this rule.
- **Accept** submission 42 insofar as it is proposed to make special provision for office and church related activities at 21 Hania Street, as provided for by rule 5.1.2.A, and as shown in Appendix G to this rule.

#### **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** sought 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** sought similar recognition for Queen Margaret College (Thorndon), Samuel Marsden Collegiate School (Karori) and Scots College (Strathmore) respectively. **Further submission 14** supported **submissions 39, 40 and 41**, and requested that St Mark's School on Dufferin Street also be recognised in the plan. **Further submissions 11 and 15** opposed 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 were generally supportive of these proposals, as each of the above institutions is long established in their respective neighbourhoods, and there was merit in recognising them in the plan. Officers also considered that it would be appropriate to recognise St Mark's School in Mt Victoria in the same manner.

Officers were 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 was unlikely to change significantly unless new buildings were constructed, making educational activities a permitted activity was unlikely to result in significant impacts on adjoining properties. Officers considered that any potential effects resulting from intensification could be suitably assessed under the Discretionary Activity (Restricted) rule for new buildings.

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

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

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

**Submitter 23** (Victoria University of Wellington) spoke to the hearing. The submitter advised that Karori Campus was legally established under an educational designation. The submitter sought to permit education and ancillary activities at the Karori campus and to permit small scale building works up to 100 sq.m in gross floor area, provided they complied with the standards in the District Plan relating to yard, height, building recession planes and fixed plant noise. All other building works would be a discretionary activity (restricted) to enable an assessment of the impact on neighbours. The submission suggested using the existing definition of 'educational services' to cover the site, subject to minor amendments.

**Submitters 39** (Queen Margaret College), **40** (Samuel Marsden Collegiate School), **41** (Scots College Inc) and **further submission 14** (St Marks Parish Property Trust) spoke to the hearing. At the hearing the submitters confirmed that they were generally comfortable with the approach put forward by officers to make provision for independent schools in the District Plan. This would make educational activities a Permitted Activity, along with minor buildings works with a gross floor area of less than 100 sq.m. More substantial buildings works would be a Discretionary Activity (Restricted). The submitters considered this would enable full consideration of the potential effects of significant new works on adjoining neighbours.

**Further Submitter 15** (Philip Anthony and Annette Elizabeth Black) spoke to the hearing. The further submitter considered that the relief sought by Queen Margaret College in submission 39 was beyond the scope of the Plan Change, insofar as the submission was not on the plan change, rather it is a request for a change.

The further submitter argued that the college has existed for a long time and questioned the need for a change now. The further submitter considered that the current rules provided an appropriate framework for the consideration of any changes and raised concerns that the proposal would give additional weighting to school activities, potentially disadvantaging residents for whom the zone is primarily intended. The further submitter noted that they were not comforted by the proposed rules, as Queen Margaret College could potentially develop buildings that are much larger than normally expected in a residential site.

**Further submission 11** (Thorndon Tennis & Squash Club) spoke to the hearing regarding the proposed independent schools precinct, particularly Queen Margaret College. The further submitter did not think it would be possible to adequately define 'educational activity' as almost anything could be associated to the school.

The further submitter considered that the definition of 'minor building work' was unclear and raised concerns that additional building work up to 100sq.m, located on the boundary, could impact on neighbours especially if no height controls were imposed. The further submitter considered that the current consent process was required to allow for full consideration of the effects of proposed works.

The further submitter noted that there was already huge pressure for parking in the vicinity of school and tennis club, and raised concerns that any additional buildings could result in increased pressure for parking and access.

The Hearing Committee generally supported the submitters request on the grounds that the schools were long established uses that were likely to continue into the foreseeable future. The Committee did not consider that there was any significant difference in the nature and character of independent schools versus public schools, and noted that in Christchurch all schools were covered by a Ministry of Education designation.

The Hearing Committee acknowledged the concerns raised by the further submitters, and noted that these appeared to be more focused on the potential impact of new building works, rather than the provision for education activities on site. The Committee did agree with further submitter 11 that it was necessary to define 'educational activity' in relation to independent schools. The Committee considered that the following definition should be included in the plan:

<p><b>EDUCATION ACTIVITY:</b> means the use of land and/or buildings for the provision of regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors and includes their ancillary administrative, boarding/residential accommodation, religious, sporting, social and cultural activities, and also includes pre-schools.</p>
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The Hearing Committee did not agree with further submitter 15 that the relief sought was outside the scope of the Plan Change. DPC 72 was a full review of the residential

chapters, and all aspects of the chapters were 'up for grabs'. Submitters were entitled to request changes that were not signalled in the original plan change, and the purpose of the further submission process was to enable parties to respond to requests made by others.

The Hearing Committee considered that additional policy guidance should be included in the plan under objective 4.2.7 explaining why specific provision had been made for the Karori Campus and independent schools.

In terms of rules the Committee agreed that 'education activities' should be Permitted Activities subject to compliance with standards for:

- Noise
- Fixed Plant Noise
- Parking
- Site Access

Bearing in mind the concerns raised by the further submitters, the committee considered that the majority of new buildings should be subject to a resource consent process. This would enable assessment of the potential impact of the intensification of activities on site as well as the potential impact of the buildings themselves. The Committee considered that the plan should provide for minor building works (up to 100 sq.m in floor area) as a permitted activity, subject to compliance with the standard residential zone controls for:

- Fixed Plant Noise
- Building Height
- Building recession planes
- Yards

More significant building works (over 100 sq.m) would be dealt with as a Discretionary Activities (Restricted), with discretion retained over:

- Design (including building bulk, height and scale), external appearance and siting;
- Site landscaping;
- Historic heritage;
- Parking and site access, and the movement of vehicular traffic to and from the site;
- Noise; and
- Impact on the amenity of adjoining properties.

The Hearing Committee considered that this rule structure provided an appropriate balance between recognising the long-standing nature of the existing activities, and the need to ensure that the amenities of adjoining landowners were suitably protected.

#### Recommended Decision

- **Accept** submissions 23, 39, 40 and 41 insofar as it is proposed to make provision for existing educational institutions located within residential areas, as provided by Rule 5.1.9 and associated provisions, and as shown on Appendices H-L to this report.

## **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 the 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** requested 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 was concerned that the changes made to DPC 72 would result in the need to apply differing noises measurement techniques in different zones of the city. The Hearing Committee noted that the advice from Council's Noise Officers was that Leq is now the recognised way of measuring noise. Although DPC 72 and 73 would be inconsistent with some other parts of the Plan, it was anticipated that the remaining chapters of the Plan would be updated to Leq in the upcoming comprehensive review of the Plan (which is due to be commenced in 2011). In the Committee's opinion the work required to ensure a consistent noise regime across the whole plan should be initiated as soon as possible.

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

### Recommended Decision

- **Reject** submission 66 insofar as it requested retention of the noise measurement system used in the operative District Plan.
- **Accept** submission 50 insofar as it requested 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** 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. The Hearing Committee accepted 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 requested 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** supported this submission. **Further submission 5** questioned the appropriateness of relying on individual local authorities and their district plans to manage noise effects along state highways, and suggested that this matter would be more appropriately tackled at the national level.

While officers acknowledged the potential for reverse sensitivity issues to arise as a result of noise generated by the state highway network, they did not support a rule requiring acoustic insulation of all buildings within 100 metres of the state highway on the basis that it seemed to be a nominal figure with little justification. Officer noted that in the past the Council has applied noise insulation standards to properties within close proximity to Wellington International Airport and on sites close to port land. However on both occasion the requirement was only implemented following detailed analysis of the existing noise environment. This ensured that the insulation standards were only applied to those properties that were subject to elevated noise levels. Noise levels can be influenced by a wide range of factors including topography, vegetation, location of existing buildings and structures, and also existing noise sources in the area. With this in mind Officers considered that it would be poor planning practise to apply a noise insulation standard based on what appeared to be an arbitrary figure of 100 metres. Officers considered that 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.

**Submitter 57** (NZTA) appeared at the hearing and spoke to this issue at length. The submitter clarified that significant research had been undertaken on the issue of traffic noise generation and the management of reverse sensitivity affects along state highways. This included modelling (undertaken by Malcolm Hunt Associates (MHA)) of traffic noise in close proximity to the state highway network, with reference to key factors such as distance, barriers, vegetation, traffic volumes and traffic speed. The MHA study produced four land use cross-sections (or traffic noise contours), and recommended a 'noise effects area' be applied along the state highway – with distances of up to 300m on either side of high speed and high traffic roads. Within this area acoustic insulation should be provided for new noise sensitive activities.

The submitter confirmed the NZTA's position that a 300m corridor would be too onerous, and were pursuing noise insulation provisions using a narrower corridor of 100 metres. The submitter noted that the 100m distance referred to in its decision was therefore not 'arbitrary', but was in fact a very liberal approach to the use and application of the noise standards, in order to manage effects around reverse sensitivity to noise.

At the hearing the submitter refined the relief sought in their submission, to reflect the different traffic volume and speeds along different sections of the state highway network. The submitter sought:

- a 100 metre wide 'state highway noise area' on either side of the highway from Tawa to Kaiwharawhara due to the high speed, high volume use of the road
- a 50 metre wide 'state highway noise area' on either side of the highway from the Basin Reserve to Cobham Drive to reflect the lower speed, lower volume use of this stretch of the network.

For the other areas of the state highway network the submitter noted that there was either no scope for residential use within 100 metres of the state highway, or existing noise insulation rules already applied in the District Plan.

In their reply, officers acknowledged that significant analysis had been undertaken as to the nature and degree of traffic noise along the state highway network, and indicated that they were satisfied that this work provide satisfactory justification for the imposition of the insulation standards. The Committee agreed, and noted that they had no concerns regarding the scientific justification for the requests standards.

Officers noted that the proposed controls would affect a large number of properties located adjacent to the State Highway. While the requested change was within the scope of the plan change officers considered that the majority of the affected property owners would be unaware to the proposal, which raised the question of whether the requested changes constituted such a significant change in policy as to justify it's notification as a separate plan change.

Following the hearing the Committee requested that officers map the 100m and 50m 'noise areas' to help gauge how many properties would be affected. Having studied the maps, the Committee noted that a significant number of properties fell within the proposed areas. While acknowledging that the proposed insulation standards would only apply to new buildings and habitable rooms, the Committee considered that the imposition of a new standard to this many properties constituted a significant new policy direction for the Council. While generally supporting the intent of the submitter's request, the Hearing Committee considered that this issue would be better dealt with by way of a separate plan change. This would not only enable affected property owners to take part in the process, but would also ensure that any new provisions were subject to a robust section 32 analysis, including a full assessment of alternative methods for mitigating traffic noise along state highways.

As a side issue, the Committee noted that there were a large number of residentially zoned properties in Thorndon within 100m of the motorway. These properties are not currently subject to any noise insulation standards, and were not included in the amended 'state highway noise areas' presented to the hearing.

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** opposed this rule on the basis that it facilitated the use of different road surface materials as of right. The submission noted that re-sealing a road using chip seal could result in a significant increase in noise levels leading to a deterioration of amenity for pedestrians and adjacent residential properties. The submission noted that this problem was exacerbated on roads carrying high levels of traffic, and requested that the rule structure be amended so that consent was required to change the finished surface of 'principal roads' to a course surface (i.e. chip seal).

**Submitter 74** (Peter Coop) appeared at the hearing and expanded on the points raised in his submission. The submitter confirmed that, in his opinion, resource consent should be required to change the road surface of 'principal roads' from asphalt to chip seal. In the submitters experience changing to chip seal can significantly increase the level of traffic noise generated, leading to a reduction in the amenity for adjoining residents. As a result the submitter did not consider that the existing permitted activity rule 5.1.5 was appropriate, as it facilitated an activity that could generate significant adverse effects. The submitter considered that the current rule was inconsistent with the both the objective of the District Plan to 'maintain and enhance' environmental amenity, and the desired outcome of the plan to improve 'the noise environment in Residential Areas'.

The submitter noted that his submission only applied to 'principal roads' that ran through residentially zoned areas, and only to those portions that were not already chip sealed. He therefore did not agree with Council officers that the requested rule change would impose an unreasonable financial and procedural burden on Council as road manager.

The submitter tabled written evidence from Deborah Burns supporting his submission. Ms Burns who lives on Upland Road, Kelburn, reported a deterioration in her residential amenity as a result of increased noise levels following the application of chip seal on Upland Road.

Mr Malcolm Hunt presented technical noise evidence on behalf of the submitter. Mr Hunt considered that using chip-seal to re-surface busy roads in residential environments, has the potential to add significantly to unacceptable levels of traffic noise on people and their well-being. He considered that tyre/road noise was the dominant source of road traffic noise for traffic streams travelling at typical speeds on principal roads in Wellington, and noted that this trend was likely to continue due to on-going reductions in vehicle engine noise. Mr Hunt estimated that the increase in noise exposure due to resurfacing a principal road with chip seal from a quieter road surface would be between 3 dBA and 8 dBA, an increase that he described as 'significant'. Mr Hunt considered that noise levels along many of Wellington's principal roads were excessive and that Council was doing a poor job of managing road traffic noise.

In reply, the Hearing Committee heard from legal counsel and officers representing Council's Infrastructure Group. The officers noted that Council had a responsibility to manage and maintain the road network under the Local Government Act 1974. The officers considered that the Council's current processes for determining when roads are upgraded and what surface treatment is used were objective and appropriate, and noted that this process included consideration of potential noise effects, balanced alongside issues of cost effectiveness, durability, and other technical matters.

Officers considered that while there was general agreement that the resurfacing of roads to chip seal generated additional noise effects, it did not necessarily follow that Council was required to manage those effects through a rule in the plan. They noted that there are many activities that generate effects that are permitted as of right in the plan. This was not an indication that effects were not generated, but simply an acknowledgement that effects from these activities are considered to be acceptable and expected in that area.

It was noted that cost and delays of applying for resource consent are likely to result in Council continuing to use asphalt in the majority of situations. Officers also noted that Council would be reluctant to convert a road from chip seal to asphalt, even when this represented the best technical solution (i.e. to correct roughness), because then any future application of chip seal would then require resource consent.

Officers noted that there are approximately 38.5 kilometres of principal roads running through residential areas. Of this just over 25 kilometres had a smooth surface, while nearly 13.5 kilometres was surfaced in chip seal. Of the existing smooth surfaced roads, officers estimated that approximately 75 percent would be suitable for chip seal. If Council was to asphalt these roads instead of using a chipseal, then the additional cost to Council would be in the order of \$400,000 per annum. Over the average life of the asset, this would amount to extra costs in the order of \$4 million.

Officers also noted that there was currently no accepted standard for the management of traffic noise generated by existing roads. They therefore questioned whether it would be possible to implement a rule on a consistent basis given that there was no universally accepted standard for managing noise generated by existing roads. New Zealand Standards NZS6806:2010 Acoustics – Noise from New and Altered Roads does not apply to existing roads, so would be of little use in this regard.

Having weighed up all the issues, the Committee agreed that the issue raised by Mr Coop was within the scope of DPC 72, and was a valid RMA issue that required a response.

In responding the Committee considered that they first needed to assess the scale of the noise effect in question, and then consider whether the relief sought by the submitter was an appropriate response to that effect.



The Hearing Committee reviewed the noise figures supplied by Council officers to gauge the degree of the effect. The following table gives noise levels measured at various distances from a road<sup>3</sup>.

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

The Committee noted that nearly all dwellings are located 5m from the traffic lane, with most dwellings at least 10m from the traffic lane. This indicated that for asphalts traffic related noise level of no more than 65dBA could be expected. Where the surface was subsequently changed to a single coat of grade three chip seal the worst case scenario was an increase in noise of 3dBA, leading to a cumulative noise reading of 68dBA. Where the surface was changed to a two coat chip seal the worst case scenario was a 5 dBA increase to 70dBA.

In terms of the degree of the effect, the Committee noted that there appeared to be reasonable level of agreement between parties that for principal roads around Wellington, a move from asphalt to course chip would be likely to increase traffic related noise by around 3-5 dBA. Using a base level of traffic related noise of 65 dBA, this represents an increase of between four and eight percent.

While acknowledging the dynamic nature of noise, and the fact that some people and properties are more susceptible to noise effects than others, in total the Committee considered that an average increase of between four and eight percent was relatively minor.

In terms of considering whether the relief sought by the submitter was appropriate, the Hearing Committee considered the reasons why Council uses chip seal in certain situations.

<sup>3</sup> Opus Central Laboratories

Council uses chip seals because they are significantly cheaper to apply than asphaltic concretes by a factor of about four. Current Contract Rates and surface lives at 01/10/2009 were on average as follows.

Surface Type	Cost / m <sup>2</sup>	Surface Life
Chip seal	\$6.68	9 Years
Slurry Seal	\$10.43	6 Years
Cape Seal	\$17.11	8 Years
Asphaltic Concrete	\$24.30	14 Years

The Committee noted that the 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.

The Committee also noted that Council only applied the coarser grades of chip seal contribute in areas where there are no residential properties, in recognition of the noise effects that these surfaces can generate. The coarsest Grade 1 Chip has not been used in Wellington for at least 25 years.

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

The Hearing Committee also noted 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 the city's 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.

Overall the Hearing Committee noted that while questions as to which surface material to be used involved selection considerations primarily around waterproofing and skid resistance, road noise was also a factor taken into account.

The Committee agreed that the rule change requested by the submitter would result in Council using more asphalt on principal roads which would result in significant cost increases to the Council and place a financial burden on ratepayers.

The Hearing Committee was also of the opinion that while the decision requested by the submitter was tightly focused, it was likely to set a precedent and in time Council would be pressured to apply the new rule more widely. The Committee did not consider that there was anything unique about principal roads that would stop similar provisions being pursued for arterial and collector roads. If this was the case then the long term cost implications to the Council were likely to be significantly more than the \$4 million figure referred to in the officer's reply.

In conclusion the Hearing Committee was satisfied that the submitter had demonstrated that changing a road surface from asphalt to course chip does result in a noise effect, and that this raises a valid RMA issue. However given the relatively modest degree of the increase in effect, the Committee did not consider that the requested rule was justified given the significant on-going maintenance and cost implications for the city as a whole.

In particular the Committee did not consider that the requested rule would be efficient or effective because:

- it was likely to result in a significant increase in the cost of maintaining Wellington's road, a cost that would need to be met by the city's rate-payers
- the rule may result in Council implementing sub-optimal technical responses as it sought to select road surface treatments that do not require resource consent
- it was highly likely that Council would come under pressure to extend the rule over time, leading to additional operational costs to Council.

On balance, the Hearing Committee considered 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 residential properties.

#### Recommended Decision

- **Accept** submission 57 insofar as it requested amendment to policies
- **Reject** submission 57 insofar as requested that acoustic insulation be required for any building works undertaken within 100 metres of a state highway
- **Reject** submission 74 insofar as it requested 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** raised a number of issues with the controls on noise insulation within the Air Noise Boundary (ANB). These are set out below:

The submissions requested 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 requested 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 followed on from the recommendation in the Land Use Management and Insulation for Airport Noise Study, 2009 (LUMINS) which noted that schools and pre-schools are noise sensitive activities, and given their location within the ANB recommended that they should be insulated.

Officers opposed the requested changes on the grounds that the definitions for ‘noise sensitive activity’ and ‘habitable room’ have citywide applications. Any amendments would therefore capture a significant number of activities throughout the city, particularly in the Central Area and commercial areas in the City.

Submitters 79 and 80 (Wellington International Airport Ltd and Wellington Airport Air Noise Management Committee) spoke to the hearing and re-iterated that the changes sought in submission were required to give effect to the outcomes of the LUMIN’s report.

The submitters noted that airport noise has very specific characteristics due to the nature of the noise source. They noted that aircraft noise made teaching in nearby schools difficult, and that there were times that lessons have to be paused while planes are taking off or landing. They therefore felt that within the air noise boundary there was valid reason for including schools as noise sensitive activities, and classrooms as habitable rooms. They suggested alternate definitions that would apply only in the air noise boundary area. These amended definitions are:

**NOISE SENSITIVE ACTIVITY:** means

- Any residential activity
- Any hotel, motel or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time
- Early childhood centres

And, within the air noise boundary depicted on Map 35, also includes

- Any school or other learning facility
- Any hospital, rest home, hospice, respite facility or other activity with the primary purpose of care for the infirm.

**HABITABLE ROOM:** in any of the categories of activity referred to in the definition of ‘noise sensitive activity’, means a space within a building that is commonly associated with domestic living. Within the air noise boundary depicted on Map 35, habitable room also means a classroom used for teaching purposes or a sleeping room associated with an early childhood centre, any hospital, rest home, hospice, respite facility or any other activity with the primary purpose of care for the infirm. But in all areas it excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for sleeping, any enclosed swimming pool, hall, theatre, gymnasium, or other space of a specialised nature occupied neither frequently nor for extended periods of time.

The Hearing Committee agreed that the revised definitions represented a sensible approach to managing the unique noise effects generated by the airport, and accepted the changes.

**Submitters 79 and 80** also requested 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 was 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 was danger it might be considered the standard for retrofitted insulation.

The request by submitters 41 and 42 was to ensure insulation was applied consistently to ‘noise sensitive activities’ (as opposed to residential dwellings) and to amend DPC 72 and DPC73 to ensure the performance standard was 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  $L_{dn} 65dB$ .

Officers agreed and recommended 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: Air noise Boundary**

5.6.2.14.1 Any habitable room in a building used by a noise sensitive activity within the air noise 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.

**Submitters 79 and 80** (Wellington International Airport Ltd and Wellington Airport Air Noise Management Committee) spoke to the hearing in support of the revised standards. The submitters also noted that there was a spread of noise levels within the air noise area, with noise levels at properties closer to the airport significantly higher than properties at the edge of the area. At the hearing the submitters suggested a revised noise insulation package that would impose stricter insulation levels on properties located closer to the airport on the basis that they are subject to higher levels of airport noise. While the Hearing Committee considered that this approach may have merit, they considered that the suggested approach went beyond the relief sought in the original submission. This was because the requested amendment would impose a more stringent insulation standard on a significant proportion of the properties within the air noise boundary than was signalled in the original submission. The Hearing Committee therefore considered that it was not in a position to grant the amended relief.

At the hearing, **Further Submitter 3** (Board of Airline Representatives of New Zealand Inc) spoke to their submission, and reiterated their opposition to the adoption of new insulation standards within the air noise boundary. In particular the submitter opposed the suggested changes to noise insulation standards as they felt that the proposed approach was untested for managing airport noise, and there was no evidence it would adequately protect inhabitants. The submitter considered that there was a real risk that the new standard would be applied to retro-fits at a later date. In the submitters opinion retro-fitting was best managed using a case-by-case assessment of need. The submitter considered that any change to the insulation standard would be best dealt with through an airport specific plan change. In the submitters opinion different activities have different noise effects, so it was not necessary to have consistent noise insulation controls around the city.

The Hearing Committee considered that the requested change had merit for the following reasons:

- There is significant precedent elsewhere in the District Plan, and the consistent use of 'noise sensitive activity' and alignment of performance standards provided an opportunity to ensure consistency throughout the plan
- The approach had 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 dealt with ventilation without losing acoustic gains achieved by insulation
- The approach is easier to administer
- The approach is well understood by the development sector and easier to implement as part of 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.

**Submissions 79 and 80** requested 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. The Hearing Committee agreed that this was a relevant issue within the ANB, and noted that the requested relief accorded with the findings of the LUMINs report on noise insulation in the ANB. The Hearing Committee accepted this request and noted that the change would be made as part of the new acoustic insulation standards also sought by the submitters.

**Submissions 79 and 80** also requested 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 was tested through the resource consent process. Specifically they sought rule changes to require consent for a second household unit on a site. **Further submission 5** opposed this submission.

Officers noted that this request would have the effect of further tightening the land use and subdivision controls within the ANB, further constraining the ability to do infill housing or multi-unit development. The rationale being that without additional controls, there was scope for a significant increase in population and associated increases in reverse sensitivity risks for airport operation.

**Submitters 79 and 80** appeared at the hearing and advised that they no longer wished to pursue the issue of intensification within the ANB, if the other matters raised in their submissions were accepted. The Hearing Committee noted this changed position and agreed that this submission point should be rejected.

#### Recommended Decision

- **Accept** submissions 79 and 80 insofar as they sought to widen the definition of 'noise sensitive activity'.
- **Accept** submissions 79 and 80 insofar as they sought to widen the definition of 'habitable room'.
- **Accept** 79 and 80 insofar as they sought 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 sought to amend the existing noise insulation rules and performance standards within the ANB to be consistent with the approach used to insulate (Dn T,w + Ctr) and ventilate elsewhere in the city.

- **Accept** submissions 79 and 80 insofar as they requested that the insulation standards apply to extensions to existing buildings as well as new buildings
- **Reject** submissions 79 and 80 insofar as they requested that the plan be amended to require resource 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 fault line 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** requested a number of amendments to the definition of building height. These were:

- Clarification as to 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.

Committee agreed with these suggestions, on the basis that they were consistent with the original intent of the controls, and would help plan users to interpret the provisions.

**Submission 56** noted that standard 5.6.2.5.2 was a duplication of the information contained in standards 5.6.2.5.1 and therefore should be deleted. Committee did not agree on the basis that standard 5.6.2.5.2 was required in order to ensure that buildings in the Hazard (Fault Line) Area do not exceed 8 metres in height.

**Submission 26** supported the existing rule that allows the height of a sloping roof to be increased by a metre, and requested that it be extended to enable even steeper roofs (over 22 degrees pitch) to exceed the height standard by up to three metres. The Committee did not support this proposal. The one metre bonus was intended to facilitate traditional pitched roofs and recognised that the effects on neighbouring properties was

somewhat mitigated by a roof line that dropped away towards the boundary of the site. The Committee considered that in most situations a steeper roof pitch would not fully mitigate the effects of the additional three metres of building height, and noted that the proposed rule would have the affect of incentivising steeper, uncharacteristic roof pitches.

#### Recommended Decision

- **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 recession planes do not (in descending order of priority) apply to: 1) frontage dwellings, or 2) all Inner Residential properties and all properties within two blocks of a town centre, or 3) the northern boundaries of Inner Residential properties where these are oriented between 300 and 60 degrees or frontage dwellings be designed so as not to shade an adjoining house for at least 2 hours during winter solstice. (**submission 28**)
- 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** requested that Council dispense with recession planes to allow more efficient development of land. **Submission 28** requested 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 considered that the planning rules should be amended to allow new development to replicate these patterns.

Conversely, **submission 22** considered 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.

**Submitter 28** (Cockburn Architects Ltd) spoke to the hearing in relation to building recession planes. The submitter reiterated his opinion that the current rules were flawed. In particular the submitter considered that the planes should not apply along boundaries shared with non-residential zoned properties. The submitter also considered that recession planes should only be applied to rear yards and rear lots, and that original units located at the front of their sites in alignment with neighbours should be free to build up to 2, 3 or 4 storeys, with amenity being derived from the front and rear elevations.

The Committee agreed that there was 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 was 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 building recession planes restricted development close to side boundaries, requiring a second storey to be located towards the centre of the site.

The options put forward in **submissions 9 and 28** were not favoured for a number of reasons. The revised sunlight access planes would dramatically increase the potential building bulk able to be developed close to the side boundary of a site. This could have significant impacts on sunlight, daylight and privacy for adjoining neighbours. The Committee considered that 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 their on site amenity for the sake of allowing a neighbouring property to be developed according to the residential character of the neighbourhood.

While the Hearing Committee had sympathy for the points raised by submitter 28, they did not consider that solution was as simple as nominating boundaries along which recession planes would not apply. A significant amount of work was required to develop an alternative approach to managing the potential effects of buildings built close to site boundaries. This work would require consideration not only of the effects on neighbouring properties, but also the inter-relationships between the existing recession plane controls and other standards in the plan regarding height, yards etc in managing development in residential areas. While acknowledging that the building recession plane

provisions are not perfect, the Committee considered that at this time it was not practical to waive the provisions in part or in full as suggested by submissions 9 and 28. In reaching this recommendation the Committee wished to note that they considered that the short-comings of the recession planes were significant and that Council urgently needed to undertake additional work in this area.

In response to submission 22's concerns that the current recession plane controls were too rigid, the Committee agreed that Wellington's varied topography and lot patterns presented challenges for developing planning controls that worked well in every situation. However Committee considered 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 could be undertaken on their site as of right.

**Submission 56** requested 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 was accepted on the grounds that it was an accurate articulation of the role of the planes.

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

**Submissions 52 and 56** requested that the reference to sunlight access plane in standard 5.6.2.8.5 be replaced with building recession plane. The Committee agreed that these submissions should be accepted as DPC 72 no longer uses the term sunlight access plane. These submissions also requested 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 was accepted, 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 180 <sup>0</sup> (meaning the <del>sunlight access</del> <u>building recession</u> planes cannot be inclined at right angles in plan from the boundaries to all the areas adjoining the boundaries), a <del>sunlight access control</del> <u>an intermediary building recession</u> 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 <u>using the edges of the two adjoining building recession planes to determine the direction and slope of the intermediary recession plane.</u> <del>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.</del>
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**Submission 56** requested 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. Committee agreed that the existing exemption for solar panels should be extended to cover solar hot water systems. It also proposed to include skylights within the exemption to be consistent with the exemptions included in the definition of building height.

**Submission 75** supported rule 5.6.2.8.8 on the grounds that it helped to clarify how building recession planes should be applied between the Oriental Bay Height Area and the adjacent Inner Residential Area. This support was accepted.

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** requested that building recession planes are renamed 'Building and Sunlight Recession Planes' to better reflect the matters that planes are intended to manage. While the Committee could appreciate the submitters concerns that access to sunlight had been devalued, they did consider that the proposed wording is something 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 Committee considered that this was sufficient to ensure that access to sunlight was always considered when assessing applications to breach the recession plane standards.

#### Recommended Decision

- **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** submission 75 insofar as it supports standard 5.6.2.8.8.
- **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** supported the amendments made in DPC 72 to clarify the yard and deck provisions. This support was accepted.

#### Recommended Decision

- **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)**
- Reinstating 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 provision, 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.]<sup>PC6</sup>

**ACCESS STRIP:** means [an access leg or]<sup>PC6</sup> an area of land [defined by a legal instrument<sup>PC6</sup>, 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.]<sup>PC56</sup>

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:

- 1) The inappropriate discretion contained in the definitions of access lot and access strip

- 2) The ability to build closer to boundaries when the neighbouring land is not legally encumbered and could also be built on.
- 3) 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.

To respond to the first issue DPC 72 amended the definitions of access lot and access strip to clarify that the land in question must be used for access.

Issues 2 and 3 were more difficult to resolve, and Officers considered that this raised doubts as to the appropriateness of the exemption provided in the plan. As a result 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** opposed the change to the existing rules and requested that the previous regime be re-instated. **Submission 71** suggested amending the standard so that building recession planes could be measured from the far side of a 'right of way'. **Submission 56** suggested 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 applied 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** supported the reinstatement of the ability to measure recession planes and yards from the far side of an accessway.

**Further submission 7** opposed the above submissions and supported the removal of the exemption for recession planes. The further submission provided 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.

**Submitters 55 and 56** (Cardno TCB Ltd and NZ Institute of Surveyors) spoke to the hearing and reiterated their opposition to the removal of the ability to measure recession planes from the far side of an access lot or access strip. They suggested amending the operative controls to exempt recession planes along ROWs, and access lots and strips up to three metres in width.

In their reply officers acknowledged that the amendments proposed had some merit in that it was less likely that a building could be constructed on an access lot/strip up to 3 metres in width, but noted that the current definitions of access lot or access strip were also used elsewhere in the plan to implement other controls such as the calculation of site area. Officers therefore did not support amending the existing definitions.

Having considered the approach taken in other jurisdictions, officers considered that an appropriate approach to resolve this issue would be to reinstate the existing rule, but with an amendment that would enable recession planes and yards to be measured from the centre of an adjacent access lot/strip. In the officers opinion this would provide a more suitable balance between facilitating development and protecting amenity.

The Hearing Committee did not fully support this position and considered that so long as the adjacent access lot/strip is unencumbered and is of a sufficient width (generally 3m or more) then it is appropriate to measure the recession planes and yards from the furthest boundary.

Accordingly, the Committee are recommending the following standards for inclusion into the District Plan:

5.6.2.8.6	<del>Where a boundary abuts a public accessway or drainage reserve, the boundary shall be taken from the furthest boundary of the public accessway or drainage reserve, or any combination of these areas.</del>
5.6.2.8.6(i)	Where a boundary abuts an access strip, access lot, public accessway, drainage reserve, right-of-way, or any combination of these areas, the boundary shall be taken from the furthest boundary.
5.6.2.8.6(ii)	Where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas, which is in excess of 3 metres in width, the boundary shall be taken from the furthest boundary.
5.6.2.8.6(iii)	Where a boundary abuts an unencumbered access strip, access lot, public accessway, drainage reserve, other legally unencumbered reserve, or any combination of these areas which is 3 metres or less in width, the boundary shall be taken from the closest boundary.

### Recommended Decision

- **Accept in part** 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**)

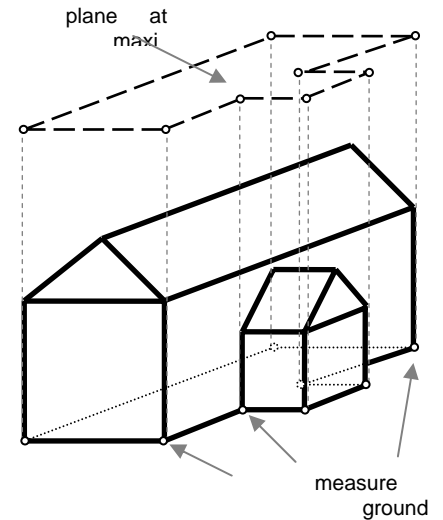
### Discussion

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 was considered to be an improvement in that it relied on existing ground level when this can be ascertained. When it cannot be ascertained, maximum building height is extrapolated using the assessed ground level at the outside edge of the building. **Submissions 52, 55, and 56** sought retention of the existing definition on the basis that the proposed definition was inaccurate and mathematically flawed. The concerns raised in the submissions appeared to be generated principally from the use of the phrase ‘horizontal plane’. The submitters noted that on a sloping site the building envelope must follow the slope of the land and therefore cannot fit a true horizontal plane. Officers agreed with the submitters, but considered that this issue could 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.*

**Submitters 52** (Spencer Holmes Ltd), **55** (Cardno TCB Ltd) and **56** (NZ Institute of Surveyors) spoke to the hearing. Each of the submitters confirmed that their concerns would be met if the term ‘plane’ was replaced with the term ‘surface’, thereby enabling the definition to work as intended. The Hearing Committee agreed with the submitters and amended the definition accordingly.

As part of DPC 72 the definition of ground level for measuring recession planes was also 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 allowed 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** opposed the proposed definition. **Submission 55 and 56** requested that Council retain the definition from the operative plan with modifications. In particular they requested that Council retain the ability to calculate an assessed ground level in situations where un-consented earthworks have been undertaken. The submission argued that aerial photography could then be used to help determine the degree to which ground level has been altered. **Submission 3** was concerned that the proposed definition did not provide for situations where there had been land slippage at the boundary as a result of earthworks undertaken on a neighbouring site.

In response Officers noted 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 noted the DPC 70 put in place controls on permitted earthworks that required that they remain their own height away from any site boundary. This provision should 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 considered that the simplified definition contained in DPC 72 should be retained.

**Submitters 52** (Spencer Holmes Ltd), **55** (Cardno TCB Ltd) and **56** (NZ Institute of Surveyors) spoke to the hearing. The submitters noted that while the existing definition had been prepared to ensure that neighbours would not be disadvantaged if un-consented earthworks were undertaken near or over a boundary, in practise they were almost impossible to implement in many parts of the city. In particular, where a retaining wall was located within two metres of a boundary, it was almost impossible to determine whether the wall was retaining cut or fill. This was particularly problematic in the older more established suburbs where the original landform had been subject to heavy modification.

Given the technical nature of this issue the Committee instructed officers to discuss it further with the submitters with a view to developing an agreed response. A meeting between officers and submitters 52, 55 and 56 was held on 17 May 2010. The parties agreed that the current definition did not work well in greenfield areas that have been subject to mass earthworks or in older neighbourhoods with long established retaining structures. They also agreed that the current definitions do help to ensure that property owners are not disadvantaged by un-consented earthworks on or over a boundary, but noted that this is a relatively rare occurrence. Officers also noted that un-consented earthworks near boundaries should become increasingly rare as DPC 70 has introduced new rules that require that areas of cut and fill be located at least their own height away from site boundaries.

While a number of different options were discussed at the meeting, the parties were unable to arrive at a definition that dealt with all situations where the current definition was triggered. The parties therefore tended to agree that it was better to use existing ground level as the default measurement, as this at least had the benefit of being simple to understand and administer. The parties did agree that in situations where a retaining wall was located on the boundary, it made sense to measure ground level from the front face of the retaining wall, rather than from the level of the ground behind the retaining wall.



The Hearing Committee agreed with the position reached by officers and the submitters, and decided that the definition should be amended as follows (amendment is shaded and underlined):

**GROUND LEVEL FOR THE PURPOSE OF MEASURING RECESSION PLANES:** means the existing ground level at the boundary of the site. Where a retaining wall or retaining structure is located on the boundary the ground level shall be taken from the front surface of the retaining wall/structure at the boundary.

#### Recommended Decision

- **Accept** in part submissions 52, 55 and 56 insofar as it is proposed to amend the definition of ground level for measuring building height.
- **Accept in part** submissions 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** requested the standard 5.6.2.4.1 be amended to clarify that site coverage could 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). Committee agreed that this was the intent of the rule and amended the standard accordingly.

**Submission 61** sought 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 Committee had some sympathy for the matters raised by the submission, they considered 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 sat in relation to the building on site. Encapsulating this subtlety into any district plan standard would be very difficult.

The Committee considered that the concerns raised in **submission 61** tended to be associated with infill and multi-unit development, rather than single houses on sites. They considered that the current site coverage controls worked well for single household units on a site. They also agreed that in the past some multi-units had resulted in

development patterns that were at odds with the character of the surrounding area. In this regard the Committee noted that following DPC 56 Council had much greater scope to consider the impact of new multi-units on neighbourhood character, including patterns of open space and site landscaping. DPC 56 had only been operative for approximately nine months, and the Committee considered that it should be given time to 'bed in' before additional controls are proposed.

On a related matter **submission 364** requested that Council place limits on the degree of hard surfacing that could be developed on residential sites as a means of reducing the volume of storm water run-off and improving the quality of water entering waterways. These issues were considered during the preparation of DPC 72, but Officers 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 the Hearing Committee agreed that it would be difficult to defend any new standards regarding hard surfacing.

**Submission 43** requested 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 noted that the purpose of the bullet point was to exempt any part of a building or structure that was located underground and therefore did not contribute to the 'visual bulk' of the development. Officers considered that a development proposal that included undercroft car parking would be covered by the final bullet point if the area above the undercroft had the appearance of 'finished ground level'.

Submitter 43 (Alexander George Limited) spoke to the hearing. The submitter supported the officers recommendations, but requested that the bullet point be further amended to include the words 'new' and 'level' in relation to the finished ground. The Committee agreed that insertion of the word 'level' provided useful clarification, but considered that the word 'new' was not required as it was clear from the phrase 'finished ground level at the completion of the building...' that it was the new ground level that was important. The Committee amended the bullet point as follows (amendment is shaded and underlined):

- 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 level at the completion of the building or structure.

#### Recommended Decision

- **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 car parks, 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 would be managed using NZ Standard 2890.1 – 2004. This change was supported by **submission 55 and 56**, although **submission 56** requested that Council consider more lenient sight line requirements to better reflect Wellington's hilly topography.

The Hearing Committee noted advice from Officers that a separate "Wellington" standard should not be pursued. While the topography of Wellington could present design challenges in achieving the proposed standards for pedestrian splays and sight distances, Officers noted that the recommended distances were to ensure that a driver has enough time to react to a hazard and enough distance to stop before a collision. The standards were to ensure that vehicle driveways do not impose an unnecessary hazard on our roads for either pedestrians or vehicle occupants. Officers considered 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 the vehicle starts 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 noted 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 considered that the current AS/NZS 2890.1 represented best practice for sightline distances and pedestrian splays, and was wholly appropriate for

application in Wellington. The Hearing Committee agreed with officer advice and directed that the sight line standards be retained as per the NZ Standard.

**Submission 56** opposed the 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 considered that the effects were the same irrespective of the age of the building. The Committee noted that 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 came 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. Given that the rule was intended to facilitate positive townscape outcomes in Wellington's inner city suburbs, the Committee considered that the cut-off date was justified and should be retained.

**Submission 57** requested 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. The Committee agreed that this amendment was practical and consistent with the intent of the existing provision so should be accepted.

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

**Submitters 28** (Cockburn Architects) and **58** (Cycle Aware Wellington) spoke to the hearing regarding the effects of parking on urban design and city layout. The submitters explained that the existing focus on off-street car parks resulted in the following negative consequences for the city:

- Economic: large tracts of land set aside for parking which could be used more efficiently
- Urban Density: ineffective use of land which lowers the density and forces growth outwards
- Travel choices: an over supply of parking artificially lowers the cost of vehicle travel, discouraging more efficient travel choices
- Environmental quality: encourages use of private vehicles with poor environmental outcomes on terms of air, noise, soil and water
- Social equity: cost falls disproportionately on low-income households
- Housing affordability: inflates house cost and owners not given the option of buying a house without an off-street car park

If a mandatory car park was not required, then the cost of providing and using car parking would more appropriately fall on the motorists using the car park. Removing mandatory car parks would also make alternatives such as 'car-pooling' more viable.

The submitters also commented on the possible visual impacts of requiring residential on-site parking. They raised concerns at the proliferation of garages on street frontages in older Victorian and Edwardian suburbs and the impact in heritage valued areas. The provision of car parking tended to give areas a make shift appearance, with blank faced boxes and made over front yards, sometimes at the expense of the house itself. The

submitters concluded that off-street parking should not be required for new buildings and alterations, and that garages should not be permitted in the front yards.

The submitter also raised concerns that mandatory off street parking worked against the goal of urban containment. With Wellington's hilly topography the inability to provide car parking often limited the development potential of sites. Provision of car parking on steep slopes could also make development uneconomic, increase the cost of units and will also restrict the use of land which could be used more effectively for occupation or gardens. As a result the submitters considered that mandatory car parking requirements tended to force growth to locate at the fringe of the city.

The Hearing Committee agreed that many of the points raised by the submitter had merit. In particular the Committee noted the negative effect that the provision of car parking had had on many of the City's older suburbs. The Committee also agreed that Wellington's Inner Residential Areas provide opportunities to live close to the centre of the city, which raised the question of whether mandatory car parking should be required in these areas.

However the Committee considered that the issue of managing car parking was larger than just the controls contained within the District Plan. The Committee considered that a wider debate on the costs and benefits associated with requiring off-street car parking was required before any significant changes could be made to the plan. This debate needed to consider Council's role as the manager of the road network, and actual car ownership rates amongst residents. The Committee did not consider that DPC 72 was the appropriate place for this debate to occur.

The Committee also noted that issues of car-parking, urban form, residential character and residential intensification were all interlinked within the plan. Removal of car-parking could well have significant flow-on affects on development patterns, particularly in the inner city suburbs. The Committee did not consider that sufficient work had been undertaken to evaluate the potential ramifications of removing the car parking standard, and concluded that it would be inappropriate to amend the provisions at this time.

**Submissions 364 and 59** sought that the District Plan place less emphasis on car-parking, and instead focus on provision of effective public transport and alternate modes of transport. **Submission 59** sought amendments to policy 4.2.12.4 to reflect this. The Committee agreed 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.

#### Recommended Decision

- **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 requests 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 applies 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** opposed the cut-off date applying to standard 5.6.2.3.2 that allows existing buildings to be converted in to two units without the requirement to provide ground level open space. This exemption was intended to provide for the flexible use of existing building stock, especially in the Inner Residential Area. Officers considered 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. The Hearing Committee agreed that if no cut-off date was used, the provision could create a loop hole, so agreed that the date should be retained.

**Submission 56** also requested 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. The Committee supported this amendment on the basis that it would help clarify the intent of the standards.

**Submission 43** requested 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. The Committee was generally comfortable with this suggestion, on the grounds that if parking is provided in a basement or undercroft then there will be less of the site devoted to driveways and vehicle manoeuvring, and more land available for landscaping. In that situation it was 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** requested that definitions be included for 'green open space', amenity open space', 'open space' and 'open land'. The Committee considered that these definitions were not required as these terms were not used in the plan. However the Committee agreed 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'.

**Submission 61** was concerned that that the current planning controls regarding open space were too blunt. The submitter noted that using site coverage in conjunction with an open space requirement per unit did not necessarily deliver sufficient open space to

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

Officers considered that there was much merit in pursuing the current approach of assessing new multi-unit developments against the Residential Design Guide, which placed a strong emphasis on relationship to context. Officers noted that as a result of DPC 56 Council was 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 considered that it should be given time to 'bed in' before additional controls are proposed.

The Hearing Committee agreed with the Officers conclusions on regarding retention of the existing open space controls, but considered that the submitter's concerns had merit insofar as they highlighted the need to ensure that the open space provided as part of new developments was of sufficient size and dimensions to suit the purpose for which the open space is intended. To this end the Committee considered that the following explanatory text should be added to policy 4.2.3.5:

- |  |
|--|
| <ul style="list-style-type: none"><li>• The resulting development contains sufficient open space to integrate into the surrounding neighbourhood. <u>The open space should also be of appropriate dimensions to reflect predominant patterns in the surrounding area and to suit the purpose for which it is intended.</u></li></ul> |
|--|

#### Recommended Decision

- **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 and improvements regarding the quality of open space provided as part of new developments
- **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** requested 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 requested 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** sought partial amendments to the non-notification clause sought by submission 57.

Officers were generally comfortable with the requested amendments, but questioned whether they should only be applied to areas of the state highway where the speed limit was greater than 50km, and therefore drivers were less able to cope with distractions caused by signs. This would be consistent with the approach used elsewhere in the plan.

**Submitter 57** (NZTA) appeared at the hearing and clarified a number of elements of their submission. In particular the submitter clarified that the restrictions on signs should be applied to areas with a speed limit of 50km/hr, because in these areas the driving environment is generally more complex and it is desirable to minimise driver distraction. The submitter also noted that provision relating to the maximum number of characters should be amended to provide for logos as a single character.

In considering the submission of the NZTA, and whilst understanding their concerns (namely, that signs can be a distraction to motorists on the state highway), the Committee was of the view that the restrictive nature of the existing signage provisions in the Residential Area (0.5m<sup>2</sup> and a maximum height of 2 metres etc) means it is highly unlikely that any sign erected as of right would have an adverse effect on the state highway network. In addition, the Committee had difficulty with how NZTAs proposed standard would be implemented given the lack of certainty of the wording in the relief, namely, that signs facing (emphasis added) a highway shall be restricted to a maximum of eight words or 40 characters. The Committee agreed that for these reasons the submission could not be supported.

The Hearing Committee agreed that the changes sought were appropriate given the potential for signage to distract drivers on the state highway, thereby impacting on the safe and efficient functioning of the state highway network.

### Recommended Decision

- **Reject** submission 57 insofar as it requests amendments to the existing sign provisions in the vicinity of the State Highway 1.

## **4.19 Residential definitions**

Specific issues raised in submissions include:

- Definitions should be written in plain 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** requested that definitions in the plan be written in plain English. The Hearing Committee noted that while officers endeavour to write definitions in plain English that are easy to understand, sometimes this was 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** requested amendments to the definition of 'building site' to clarify how to measure the longest slope of the site. **Submission 55** suggested altering the definition to note that the longest slope could be measured at any orientation, and that the relevant height limit applied to the entire building on site. The Committee accepted these amendments on the grounds that they were consistent with the intent of the original provisions developed through DPC 56 and would help users to interpret the plan.

#### Recommended Decision

- **Note** submission 13 insofar as it request that definitions be written in plain 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** supported Rule 5.1.7 and this support was accepted.

**Submissions 55 and 56** requested 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. The Committee agreed 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** requested that the first bullet point in Rule 5.1.7 regarding works on a building with an existing non-compliance, be deleted. The Committee agreed that this bullet point should be deleted. In reaching this recommendation the Committee noted that while the bullet point had been inserted to direct plan users to Rule 5.1.8, it had the effect of preventing Rule 5.1.8 working as intended. This was because it closed 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).

### Recommended Decision

- **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 architects undertaking work 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** requested 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 noted that this standard was 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 disagreed and noted 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. Officers considered that while neighbours may accept the effects generated by non-compliance because the building is already there, it did not follow that that non-compliance should be disregarded when considering the additional effect of any new building work. The Hearing Committee agreed with the advice provided by officers and concluded that standard 5.6.2.9.3 should be retained.

**Submission 56** neither supported nor opposed Rule 5.1.8, but questioned whether the reference to 'existing use rights' is legally valid. The Hearing Committee noted that the ability to assess 'existing use rights' was enshrined in section 10 of the RMA, and noted that the reference to 'existing use rights' in Rule 5.1.8 was simply provided as an informative to plan users.

### Recommended Decision

- **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 foot print 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** opposed 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** opposed 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 the Hearing Committee accepted a number of changes to the definition of 'multi-unit development', and as a result the Committee noted that rule 5.1.9 could be deleted as the key aspects of the rule would be built into the definition. The Committee considered that these changes 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**.

**Submitter 55** (Cardno TCB Ltd) spoke to the hearing. They indicated that they were comfortable with the majority of the changes recommended by the officers, but requested that the Hearing Committee delete the cut-off date attached to the provisions that permitted the conversion of an existing building into two units. The submitter argued that once a building was constructed there was no difference in effect as to whether it was occupied as one or two units. If a cut-off date was considered necessary, then the submitter suggested that the rule should be applied to any dwelling more than five years old.

Officers recommended that a cut off date be retained in relation to the ability to convert a building into two units as a permitted activity. Officers were concerned that 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 date 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.

Submitter 55 considered that the potential loop-hole could be removed by simply amending the rules to make clarify that any conversion was required to meet the normal standards for car-parking and open space.

On this issue the Hearing Committee could see merit in both arguments. To a degree, the Committee agreed with the submitter that once a building was built there was little or no difference in effect depending on whether it was occupied as one or two units. However the Committee could also see that removing the cut-off date or making the cut-off date five years, could potential open up a loop hole in relation to new and existing infill and multi-unit developments.

The Committee gave consideration to the genesis of the cut-off date and noted that it was first applied through DPC 39 in the Inner Residential suburbs of Newtown, Berhampore and Mt Cook to enable flexible use of existing character homes, helping to facilitate their on-going retention. The Committee also noted that the decision on DPC 39 specifically excluded conversions from the need to provide off street car-parking because it identified that the formation of off-street car-parks was often detrimental to townscape character. The Committee noted that imposing a requirement to provide open space for new flats (particularly first floor units) could also lead to poor urban design outcomes on character buildings, so were reluctant to make the amendments sought by the submitter.

The Hearing Committee took on board the submitters concerns that houses built since 2000 would not be eligible to take advantage of the conversion clause, but did not consider that this was likely to be a significant problem as the clause did not apply to Outer Residential properties. The Committee noted that the vast majority of single homes built since July 2000 are located in the Outer Residential Area where two household units are permitted on a site as of right. For the sake of clarity the Committee did consider that there was some merit in amending the definition of Multi-Unit Development as follows, to clarify that the conversion provision only applies in the Inner Residential Area and Area of Change zones:

*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*
- *in the Inner Residential and Medium Residential Areas, 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.*

On balance the Hearing Committee considered that the cut-off date was necessary to appropriately manage residential development within the Inner Residential Area and Area of Change zones and should be retained.

#### Recommended Decision

- **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 supported Rule 5.3.4 but requested a number of amendments to clarify how it would be applied. These included:

- 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 that 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

The Hearing Committee supported these amendments on the ground that they either clarified the intent of the current rule, or were necessary to implement recommendations made elsewhere in this report.

**Submission 361** requested 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 was accepted on the grounds that these policies are likely to be relevant to applications assessed under this rule.

**Submission 50** requested that the non-notification statement relating to fixed plant noise be removed from Rule 5.3.4. This submission was accepted as it would ensure that noise effects under rule 5.3.4 were dealt with in a manner consistent the remainder of the Residential chapter.

#### Recommended Decision

- **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 26**)
- 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** supported objective 4.2.6 and policy 4.2.6.1 as notified. This submission was accepted.

**Submissions 18, 19 and 20** requested that the plan be amended to allow for the subdivision of smaller blocks under the normal residential rules. Although not stated, it was assumed that the submissions were referring to the AC2 area of the Johnsonville Area of Change which is subject to a minimum lot dimension. The justification for this control is outlined in section 4.4.1, and the Hearing Committee agreed that the new control should be retained.

**Submission 50** requested that all new subdivisions that include provision of legal road be required to provide fibre optic cable connections. This submission was supported as a means of future proofing all new subdivision, and the Hearing Committee agreed that the following amendment should be made to subdivision standard 5.6.4.9:

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** requested 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 the Committee agreed that it should be added to rule 5.4.7 for the sake of completeness.

**Submission 30** requested that the subdivision provisions be amended to provide greater recognition for the Historic Places Act 1993, particularly regarding archaeological sites. The Committee considered that this would be useful and agreed to the following amendments:

- 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 an assessment of the proposed works to uncover archaeological remains dating pre 1900, and the steps to be taken in the event that such remains are discovered.

**Submission 64** supported rule 5.4.7 and the use of Appendix 13 to guide future development in Stebbings Valley. The submission also noted that the Planning Maps would need to be updated once the final development pattern is confirmed. This submission was accepted.

**Submission 59** requested 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. The Committee considered that this submission should be accepted on the grounds that the promotion of alternative transport nodes was an important

consideration for ensuring the resilience of new development. The following explanation text has been included in 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** requested that policy 4.2.6.2 be strengthened to emphasize the importance of maintaining and enhancing access to waterways and the coast. The Committee noted that the policy allowed for the taking of esplanade land as part of any subdivision and that Council would take land on the coast and fronting the Porirua and Kaiwharawhara Streams (and tributaries). The Committee considered that the current wording was consistent with the Councils policy on esplanade land and should be retained.

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

Officers supported this submission 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 agreed that this was unduly onerous given that Wellington's topography makes earthworks breaches relatively common. However, Officers did not consider that removing the reference to the earthworks, site access and parking access standards was 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 considered that there is merit in considering the potential effect of required earthworks at the time of subdivision. However, Officers acknowledged that any breaches of the earthworks standards could be adequately considered as a Discretionary Activity (Restricted) so it was recommended that rule 5.3.12 be amended to facilitate this.

In terms of vehicle access and parking Officers noted that standard 5.6.4.4 required that the access and parking be provided at the time of subdivision. While this works for subdivisions around established developments, but does not work for the subdivision of empty sections. To resolve this, Officers recommended amending the Controlled Activity rules 5.2.3 and 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 proposed to delete the reference to standard 5.6.4.4 and add "parking" to rule 5.3.12.3. The affect of this would be to enable any breach of the access and parking standards to be considered as a Discretionary Activity (Restricted).

**Submitter 56** (New Zealand Institute of Surveyors) spoke to the hearing and indicated that they were generally comfortable with the amendments proposed by officers. They did request a number of amendments to the proposed provisions in order to clarify the intent of the controls and to enable them to operate as anticipated. These amendments included:

- Amending policy 4.2.6.2 and standard 5.6.4.5 to clarify that it is only earthworks rule 30.1.1.1(a) that subdivision consents do not need to comply with.
- Amending rule 5.3.12 to remove the requirement for the subdivision to meet standards 5.6.4.4 (access and parking) and 5.6.4.5 (earthworks)

The Committee agreed that these changes were necessary to give effect to the officer's recommendation, and directed that they be implemented.

**Submission 55** requested the removal of the reference to fee simple allotments in rule 5.2.4. The Committee did not support this amendment on the grounds that 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** requested 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 did 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 considered that this assessment remained valid and should be retained.

**Submission 55** also requested that Council amend the 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** opposed the changes sought by submission 55. Officers considered that there was merit in clarifying that the development type anticipated in Areas of Change was likely to be different to the established neighbourhood patterns. Officers recommended the following amendment to the assessment matters contained in 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.*

**Submitter 55** (Cardno TCB Ltd) spoke to the hearing and clarified that their concern lay predominantly with the application of the policy in the proposed Areas of Change. In these areas it is anticipated that new development would move to new, more intensive residential use that would not be compatible with the existing predominant pattern. The hearing Committee agreed that Policy 4.2.6.2 should be amended to clarify that applications located within an Area of Change would be assessed principally in terms of the compatibility with the ‘anticipated’ development pattern. The following text was inserted in to the assessment matters in policy 4.2.6.2:

- *In the Medium Density Residential Areas whether the proposed lot will help facilitate the comprehensive redevelopment of the site and will enable development that is compatible with the anticipated development pattern for the area.*

**Submission 26** opposed 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 400m<sup>2</sup> that cannot ensure that a household unit can be constructed in accordance with the height standards for infill household units. Submission 26 was particularly concerned that the wording of this rule could require notification for subdivision around existing buildings that do not meet height standards. The Committee considered that the notification statement should be retained. It was introduced as part of DPC 56 and was an important tool in ensuring that subdivision was not used as a means to avoid compliance with the height standards for infill units. The Committee noted that where subdivision involved an existing legally established unit that exceeded the height standards there would be no change in the effects on the surrounding environment and therefore there would be no justification for notifying the application.

### Recommended Decision

- **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 are applied 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** requested that Council amend the non-notification statements to make them consistent with recent amendments to the RMA. **Further submission 8** supported submission 50. Officers supported 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 statements contained in the plan. Officers noted that these

wording changes did not alter the intent or application of the statements, but were 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** requested that rules 5.3.1, 5.3.2, 5.3.5 and 5.3.7 be amended to include 'parking' and 'site access' within the ambit of the non-notification statements. Officers recommended 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** opposed this submission and requested that NZTA be considered to be an affected party in rules 5.3.1, 5.3.2 and 5.3.11. Officers agreed in part but recommended that NZTA should only be considered to be an affected party to resource consents that involved sites that fronted a state highway.

**Submitter 50** (NZTA) spoke to the hearing and requested that Council amend the notification statements associated to works near a state highway by replacing the term 'will' with 'may' in the following phrase 'NZTA *will* be considered to be an affected party'. The submitter considered that this was an appropriate middle ground that would give Council officers the discretion to consider NZTA to be an affected party to proposals that were located on a site that did not directly front a state highway, but which may generate affects that could adversely impact on the highway network.

The Hearing Committee agreed that the amended wording represented a practical solution to this issue. In agreeing to the requested change the Committee noted the legal advice supplied by officers which indicated that there was no barrier to including the term 'may' within a non-notification statement.

**Submission 13 and 27** supported Council's current practise of sending courtesy letters to neighbours when resource consents are lodged with Council. The Hearing Committee agreed that the sending of courtesy letters was a positive initiative, but understood that Council was currently reviewing the practise. The review was the result of legal concerns around the letters, and feedback that the letters can create misunderstanding as to who can take part in the resource consent process. The hearing Committee noted that they were not in a position to influence the outcomes of the review as part of DPC 72.

*Recommended Decision*

- **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
- **Accept** further submission 9 insofar as it requests that NZTA be considered to be an affected party to any application that would adversely impact on the State Highway network.
- **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** requested clarification as to when requirement 3.2.4.2.1(6) (which requires a streetscape/townscape appraisal) applies. Officers agreed 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.*

The Hearing Committee agreed that the revised wording was clearer, and accepted the change.

### Recommended Decision

- **Accept** submission 55 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** requested that standard 5.6.2.11 (relating to buildings in the Hazard (Fault line) Area) be deleted as it repeats standard 5.6.2.5.2. The Hearing Committee noted that the reference to the 8 metre maximum height was repeated in both standards, but considered that the rest of standard 5.6.2.11 should be retained to keep the requirement for light roof and wall claddings. The Committee agreed to the removal of the reference to height in standard 5.6.2.11 to remove the duplication.

**Submission 64** sought greater clarity as to the purpose of the Tawa Flood Hazard Area rules, and requested that the planning maps be enlarged to make the area easier to identify. The Committee noted that a number of the changes outlined below will help to explain the purpose of the flood hazard area. The Committee also noted that there was little scope with 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, in time, enable the flood hazard areas to be viewed at a range of scales.

**Submission 361** sought a range of changes to the rules and standards applying to the Tawa Flood Hazard Area. The submission requested 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 bed to undertake flood management works. The submission requested that all works in the flood hazard area be considered under Discretionary Activity (Restricted) rules 5.3.10, with an additional assessment criterion. The Committee accepted these changes on the grounds that they would create a more effective rule framework and agreed that rule 5.3.10 should be amended as follows:

<b>5.3.10</b>	<b>In the Tawa Hazard (Flooding) Area, the construction of, alteration of, and addition to <del>residential</del> buildings, including accessory buildings, that is not a Permitted or <del>Controlled</del> Activity, is a Discretionary Activity (Restricted) in respect of:</b>
<b>5.3.10.1</b>	<b>building floor level</b>
<b>5.3.10.2</b>	<b>building location within the site</b>
<b>5.3.10.3</b>	<b>building floor area.</b>
<b><u>5.3.10.4</u></b>	<b><u>effects of the proposal on the erosion and flood hazard risks, and stream maintenance.</u></b>
<b>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.</b>	

**Submission 361** requested 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. At the hearing **Further Submitter 8** opposed this change on the grounds that it would simply add another layer of bureaucracy to any consent involving a building or structure within a flood hazard area. Given the technical nature of flood management, the Hearing Committee considered that Greater Wellington should be considered to be an affected party under rule 5.3.4.2, as the regional council retains a particular interest in the management of waterways and the coastal environment.

**Submission 361** also sought an increased yard requirement of 10 metres along the Porirua Stream (and its tributaries) and the coast, and 5 metres from any other water body. Currently the yard standards in these areas are 5 metres and 3 metres respectively. The increase was 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 supported these amendments in part. Officers considered 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 understood that Greater Wellington was in the process of remodelling the flood hazard zone for the Porirua Stream, and noted that if this work results in changes to the extent of the area that is subject to a flood hazard then the planning maps should be updated to reflect this as part of a future plan change.

Officers did accept that Greater Wellington needed to be able to maintain access to Porirua Stream in order to undertake flood management works, and the 10 metre yard along Porirua Stream was supported for this reason. However Officers were not convinced that a 10 metre wide yard was required or justified along the tributaries suggested in the submission. The Officers therefore recommended 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 water body 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 requested that the submitter provide advice to the hearing as to where they consider the main Porirua Stream channel commences.

At the hearing **submitter 361** (Greater Wellington Regional Council) clarified that the Porirua Stream commenced at the confluence of the Stebbings and Seaton Nossitor tributaries, near the intersection of Westchester Drive and Middleton Road. The submitter confirmed their position that the yard requirement should be applied to the tributaries of the Porirua Stream, as these ran through established residential and commercial neighbourhoods.

After visiting the Glenside area the Hearing Committee noted that the tributary running from the Seaton Nossitor dam ran through a significant number of residential properties. On this basis the hearing Committee agreed that the yard provision should be extended to include the tributaries, to ensure that future building works do not compromise accessibility to the stream bed in the event that flood management works are required.

**Submission 361** requested a number of amendments to the policies regarding management of hazards. These are shown below and were 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.

**Submitter 361** (Greater Wellington) appeared at the hearing and supported the proposed amendments to the wording of Policy 4.2.10.3 to refer to coastal processes. However the submitter noted that the explanation to the policy did not refer to coastal areas, and suggested the following wording for inclusion in the explanation:

*Natural coastal processes are dynamic natural, physical and ecological relationships and events that are particular to the coastal environment, including the processes of wave formation, breaking and dissipation; swash run-up; nearshore currents; and sediment transport, erosion and deposition.*

*Matters to consider in assessing applications for buildings earthworks and structures within a Hazard (Flooding) Area or the coastal environment include:*

- *Whether buildings earthworks in a Hazard (Flooding) Area increase the risk of flooding, by such effects as blocking flood water flow paths and culverts, and diverting flood waters to other properties*
- *The extent that the proposed buildings earthworks and associated structures will be designed to use ‘soft engineering’ practices, which are visually unobtrusive and minimise or enhance the ecology of the stream and flood-prone area and work with the natural coastal processes*
- *Whether the size or siting of the building will impede the flow of flood waters or impact upon any natural coastal processes.*
- *Whether the building or associated works will accelerate, worsen, or result in the erosion or inundation of the site, or any other site or building.*
- *Whether the potential threat to the health and safety of people, property or the environment from flooding or natural coastal processes is avoided, remedied or mitigated.*

*The environmental result will be the minimisation of hazard risks on flood plains or flood-prone areas, and the minimisation of disturbance to natural coastal processes.*

The Hearing Committee agreed that the additional text was useful in helping to implement policy 4.2.10.3, but noted that in real terms there was little scope for residential development to impact on natural coastal processes, as there are very few properties located between the coastal road and mean high water springs.

**Submission 361** also sought the inclusion of an additional policy and explanation at 4.2.9.4 that specifically addresses natural hazards unique to the coastal environment. Officers did not consider that it was 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.

At the hearing **Submitter 361** acknowledged that the relevant policy work had not been done, and that it was therefore not appropriate to pursue the matter at this time. The submitter suggested that Wellington City Council and Greater Wellington Regional Council work together on this issue as the Regional Council had substantial information on tsunami inundation zones, storm surge inundation flood areas and sea level rise. The submitter also noted that Council will need to take action on this matter in the near future in order to give effect to the policies contained in the new Regional Policy Statement (RPS).

Recommended Decision

- **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** supported the Fraser Ave rezoning and this support was accepted.

**Submission 77** supported the re-zoning of the Peterhouse Street properties, but requested that the boundary of the Ridgeline and Hill-top overlay (which currently covers the sites) also be amended to align with the new zone boundary. This submission is supported by Committee 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 at the front of these properties it was considered sensible to align both the overlay and zone boundaries.



A number of submissions requested additional rezonings.

**Submission 21** requested 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 while the upper floors to the rear are zoned Inner Residential to reflect the character and use of the buildings. The Committee accepted this submission on the basis that the suggested re-zonings better reflected the use and character of the properties in question. As a result the Committee agreed that the properties at 296, 298 and 300 Tinakori Road should be zoned Inner Residential, while 302, 304 and 306 Tinakori Road should be zoned Centre.

**Submission 28** requested 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 at 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.

At the hearing submitter 28 (Cockburn Architects Ltd) explained that there was a 10m drop from Millward Street down to Millward Lane. The submitter would like to extend the zone boundary west to align with the rear boundary of 11 Millward Street. He confirmed that the owners of 13-17 were supportive of the rezoning and that the owners of 9-19 had not indicated a preference. The submitter noted that the owner's preference would be to remove the car parking requirement, but if that is not possible then would be prepared to take their chances with a 'centre' zoning.

Officers did 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 recommended rejecting this submission.

On this matter that Committee found that the site visit was invaluable. Following the visit, the Hearing Committee was left in no doubt that the sites were clearly residential in nature, and that rezoning them to Centre carried unacceptable risks in terms of allowing a range of uses that may not be compatible with the adjoining residential area. Given that the key issue for the submitter was the requirement to provide off-street car parking, the Committee considered that rezoning the properties to Centre was a clumsy means by which to achieve this.

The Committee did, however, agree with the submitter that the rear of the properties fronting Millward Street had scope for residential intensification, with good opportunities for car-less living given the proximity to the town centre and public transport routes. The Committee considered that granting an exemption from the normal car-parking standards for the properties at 9-19 Millward Street was reasonable, and fairly within the scope of the submissions lodged. To this end the Committee noted the legal opinion supplied by officers that raised a number of potential issues around the scope of submissions and the potential to grant a waiver to the car parking requirement. However after considering the legal tests referred to in the opinion, the Committee was in no doubt that the issue of car-parking was fairly raised in the submissions lodged by Cockburn Architects Ltd and Cycle Aware Wellington. The Committee noted that the sloppy drafting of the original submissions caused this issue to be unnecessarily complex.

Commissioner Ahipene-Mercer abstained from this recommendation on the grounds that he had previously sat on a resource consent hearing that sought a dispensation from the car-parking requirement on these properties.

**Submission 60** requested 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.

The Committee noted that this matter had 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 conveyed a mixed commercial/residential feel. The decision on DPC 48 concluded 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 provided a range of shops and services to the surrounding properties and for pedestrians. The decision confirmed the Central Area zoning on the basis that it 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, it was noted that the height limits associated with these properties would ensure that the buildings provide a suitable transition from the main part of the Central Area through to the adjacent Inner Residential zoned properties.

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.

**Submitter 60** (Roland Sapsford) spoke to the hearing and re-affirmed that, in his opinion, the properties in questions were more closely aligned with the adjacent residential areas of Aro Valley, than with the Central Area.

Having visited the sites, the Hearing Committee concurred with the decision reached by the Hearing Committee on DPC 48. The Committee considered that the properties should retain their Central Area zoning, to reflect the mixed use nature of the area.

**Submission 54** requested that Council rezone approximately 52 hectares of land contained on the north-eastern edge of the Woodridge area as Outer Residential. The Hearing Committee noted officer's advice that this matter was the subject of an appeal on DPC 45, which is under active mediation. The Committee therefore considered that it would be inappropriate to pre-empt the outcomes of the appeal process by re-zoning the land as part of DPC 72. In reaching this conclusion the Committee noted that the submitter, who had originally requested speaking time, chose not to present to the hearing in support of their submission.

**Submission 45** (Best Farms Ltd) requested that three areas of the Lincolnshire Farm development, that have been either developed, or consented by Council, be rezoned from Rural to Outer Residential.

Best Farms Ltd appeared at the hearing and clarified that, in their opinion, only the Mark Avenue area of Lincolnshire Farm should be rezoned to Outer Residential as that was the only area for which subdivision consent had been finalised. The submitter considered that it would be more prudent to rezone the other two areas at a later date, once the subdivision had been finalised.

The Committee noted that this Plan Change could not be used as a 'vehicle' to re-zone Urban Development Area zoned land to Outer Residential Area, as PC72 relates only to controls relating to Outer Residential land. However, the re-zoning of the Mark Avenue land to Outer Residential Area is currently the subject of an appeal by Lincolnshire Farms Ltd. Officers advised that Council has indicated that it supports this re-zoning through ongoing mediation discussions. A consent order to this effect is currently being drafted. Accordingly the Committee did not support this submission and considered that the appeal and mediation process is the most appropriate means by which the land is rezoned Outer Residential Area.

**Submissions 32, 33, 34, 35, 36, 82 and 102** requested that the Council owned land around the northern side of Old Coach Road be rezoned to Open Space. **Submission 69** requested that the triangle of land between Old Coach Road and the land zoned Open Space B, be rezoned from Outer Residential to Open Space B. The Hearing Committee noted that Council owns the land around Old Coach Road, between the northern and

southern portions of McLintock Street, and that Council has plans to develop a road through the area (to link the two ends of McLintock Street) in the next five years. The Committee considered that rezoning the land to open space at this time could complicate the consenting process for the future road, and considered that the issue of re-zoning the land to Open Space would be best dealt with once consenting of the new road is finalised.

**Submission 35** requested 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, the Hearing Committee considered that it would be unreasonable to undertake a blanket re-zoning of land, based on slope angle, as part of DPC 72. However, the Committee noted that officers had mapped the land in and around the Ngaio Gorge area with a slope greater than 35 degrees, and had found that the vast majority was already in Council ownership and was zoned as either Conservation Area, Open Space or legal road.

**Submission 35** also requested 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. The Committee accepted this submission on the grounds that the land in question had been vested in Council as part of the Harbourside development, and an Open Space B zoning was consistent with the Council's long term strategy for managing the area.

#### Recommended Decision

- **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 as shown on *Appendix M* to this report.
- **Accept** submission 21 insofar as seeks amendments to the zoning of properties from 296-306 Tinakori Road as shown on *Appendix N* to this report.
- **Reject** submission 59 insofar as it requests that 9 Millward Lane, Newtown be rezoned from Inner Residential to Centres, but exempt 9, 11, 13, 15, 17 and 19 Millward Street from the requirement to provide on-site car parking.
- **Reject** submission 54 insofar as it seeks an Outer Residential zoning for an additional 52 hectares of land contained within the Woodridge area.
- **Reject** submission 45 insofar as it requests that the area of Lincolnshire Farm on and around Mark Ave which has consent for subdivision 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 as shown on *Appendix O* to this report.

#### **4.26 Appendices (Chapter 5)**

Specific issues raised in submission 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** requested that the cross references be replaced with the new chapter numbering introduced by Plan Change 70 – Earthworks. The Committee agreed that this submission should be accepted.

**Submission 69** supported Appendix 9, and this support was accepted.

### Recommended Decision

- **Accept** submission 50 insofar as the references in Appendix 7 and 12 to the earthworks provisions in former Chapters 19A and B be amended to relate to the recently approved earthworks provisions to be included in the District Plan as Chapters 29 and 30. An appropriate amended reference is also to be made to the notation on the maps associated with Appendix 12.
- **Accept** submission 69 insofar as supports Appendix 9.

## **4.27 Utilities**

### **4.27.1 Transmission lines**

Specific issues raised in submission 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 comply with the standards in 5.6.2. Retain standard 5.6.2.12. (**submission 363**)
- 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. The transmission lines are also shown on the planning maps to aid plan users.

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

- Amend the rules in section 5.3 to refer to 'buildings and structures' rather than the specific references to 'residential buildings and structures'. Officers did not consider that this was necessary, and noted 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 would allow 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 was supported by officers 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 did not support this request on the basis that 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 officers considered was neither practical nor desirable. Officers considered 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 considered that there was 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. Officers considered that these matters were most relevant to new 'greenfield' subdivisions, and less relevant to the infill, multi-unit and character assessment covered by the Residential Design Guide. Officers considered that some of the suggested guidelines could be appropriately incorporated into the Subdivision Design Guide, but this was 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 noted that this definition related to the Utilities chapter, and considered that amendments to this definition fell 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 supported this submission on the grounds that it would assist plan users to determine which properties are subject to special controls regarding transmission lines.

Submitter 363 (Transpower NZ Ltd) spoke to the hearing on the issue of the management of the national grid. The submitter raised concerns regarding the potential for incompatible development to locate within close proximity of the national grid and the on-going implications this had for the maintenance and upgrade of the network. The submitter advised the Committee that mandatory effect must be given to the National Policy Statement for Electricity Transmission, particularly policies 10 and 11. The

submitter also reinforced the importance of managing both the effects on, and the effects of transmission. This can be done by using buffer corridors and taking opportunities to design subdivision around the presence of transmission lines. The submitter generally agreed with the recommendations in the officer's report, but requested the insertion of an advice note regarding vegetation growing in the vicinity of any transmission lines. The submission also requested that the plan include a reference to Transpower's guidelines for development in close proximity to transmission lines, but noted that these were not intended as formal assessment criteria, but rather as an advice note.

The Hearing Committee noted the submitters comment that they were generally happy with the recommendations put forward by officers. In terms of the submitters request that the plan be amended to add two cross references to the submitter's own design guides, the Committee agreed that this was an appropriate way to make plan users aware of the additional information.

**Submission 69** requested that the plan include an additional policy to encourage and require the undergrounding of transmission lines in residential areas. The Committee noted 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 as a result an additional policy in the Residential chapter would serve little purpose.

#### Recommended Decision

- **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.
- **Accept in part** submission 363 insofar as it requests the inclusion of standards regarding vegetation within the transmission corridor
- **Accept in part** 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 submission 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** requested 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 was been opposed by further submission 5, which considered 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** was 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.

The Committee saw 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 was limited scope for a second household unit to be far removed from the street and the nearest fire hydrant. The Committee also noted the observation of officers that a standard fire appliance has capacity to access fires that are further than 130 metres from a hydrant.

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

#### Recommended Decision

- **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 submission 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

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

The Committee noted that 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. The Committee did not consider it appropriate to revisit this issue as part of DPC 72.

John Andrews appeared at the hearing on behalf of submitters 62 & 73. He advised that the submitters were generally happy with the outcomes provided for in DPC 74 (Telecommunications Structures), but would like additional text regarding aerials in close proximity to the airport. They considered that the suggested wording would resolve the concerns raised by Wellington International Airport Ltd (WIAL) in their further submission.

The Committee did not consider that the additional text was necessary as WIAL already has designations in place to manage buildings or structures that project through the obstacle limitation surface that surrounds the airport.

#### Recommended Decision

- **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 submission 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** raised concerns regarding the privatisation of public land, particularly the construction of buildings on paper roads. The Committee noted that 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 the Committee could appreciate the submitters concerns, they did 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. The Committee concluded that the current plan provisions provide an appropriate assessment process.

**Submission 59** requested 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. The Committee accepted 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.

#### Recommended Decision

- **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.

#### 4.29 RMA considerations

In formulating and arriving at a recommendation on the proposed DPC72, the Committee is required to take account of the provisions of section 74 of the Act, including the following matters of relevance:

- the extent to which DPC72 achieves the purpose and principles of the Act (Part 2);
- consideration of the Council's functions as set out in Section 31;
- the extent to which DPC72 is necessary in terms of Section 32 and is the most effective and efficient means of achieving the desired outcome;
- the extent to which the proposed plan change is consistent with the Regional Policy Statement and any Regional Plans;
- the extent to which the proposed plan change is consistent with the any National



Policy Statements and the New Zealand Coastal Policy Statement;

- the extent to which DPC72 is consistent with the District Plan;

The Council also has an obligation under s10(1), Schedule 1, Part 1, to consider (and make a decision on) the submissions and further submissions received on the proposed plan change. An assessment of how DPC72 deals with any adverse effects on the environment is also required.

The Committee noted that DPC 72 could only be endorsed (taking into account the Council's responsibilities under s32 of the RMA) if they were satisfied that the provisions proposed would better meet the requirements of the RMA and the objectives of the District Plan.

In making its recommendation, the Committee was also mindful of its responsibilities set out under the Resource Management Act, 1991 (RMA), in particular the requirement to promote the sustainable management of natural and physical resource (section 5). The Committee acknowledged the additional obligations under sections 6, 7 and 8 of the Act, in particular:

- Section 6
  - (a) the preservation of the natural character of the coastal environment (including the coastal marine areas), wet-lands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga:
  - (f) the protection of historic heritage from inappropriate subdivision, use and development:
- Section 7
  - (b) the efficient use and development of natural and physical resources:
    - (ba) the efficiency of the end use of energy:
    - (c) the maintenance and enhancement of amenity values:
    - (f) the maintenance and enhancement of the quality of the environment:
    - (g) any finite characteristics of natural and physical resources:
    - (i) the effects of climate change:
    - (j) the benefits to be derived from the use and development of renewable energy:

In terms of the preceding statutory requirements, the findings of the Committee can be summarised as follows:

- (a) The Committee noted that the review of the Residential Area chapters had been guided by the provisions of the RMA, in tandem with the Council's strategic policy framework, and also reflected the results of the District Plan monitoring programme (as required by section 35 of the RMA).
- (b) In respect of the monitoring work carried out, the Committee agreed that the philosophies underpinning the operative plan provisions remained generally sound. These included a strong commitment to maintaining the city's compact urban form, whilst at the same time providing for growth in a manner that enhances the character and amenity of the city's various residential neighbourhoods.

- (c) The Committee accepts that the thrust of DPC72 is correct in encouraging high-quality residential intensification to occur in areas where the benefits are greatest, and ensuring that intensification in other areas are required to respond to issues of local character and amenity.

Having found that the philosophy and general approach of DPC72 accords with sound resource management theory and practice, the Committee turned its attention to the Objectives Policies and Rules of the plan change as follows:

- (a) Mindful of its obligations under s32, the Committee considered that the objectives notified in Plan Change 72 are the most appropriate way to achieve purpose of Act and for this reason the Committee only made minor changes to the proposed objectives.
- (b) The Committee did recommend several changes to the policies and methods (rules and standards) however, in order to ensure that they were the most appropriate and effective way to achieve the objectives. The changes, made in response to submissions, generally sought to improve clarity of the intended approach (in respect of the objectives and policies) and allow for flexibility in the application of the rules and standards.

In this respect, the revised Plan Change 72 provisions (as a result of this recommendation) represent a refinement of the approach adopted by the Operative District Plan. Although there are a number of changes to specific provisions, the basic philosophy regarding the management of the Residential Area environment remains unchanged.

The Hearing Committee is satisfied that the provisions of Plan Change 72 strike an appropriate balance between facilitating new development within Residential Areas, whilst ensuring that the development enabled by the proposed planning framework maintains and enhances amenity values associated with the public environment, respects recognised heritage values, encourages sustainable building design, builds on the vibrancy of the Central Area and significantly enhances the residential community's sense of place.

In regard to Section 32, which is the driving force behind any plan change, the Committee notes that the Council prepared an assessment prior to the notification of the proposed PC11 in accordance with the requirements of s32(1)(c). Prior to issuing its decision under Clause 10, the Council must also undertake a further evaluation under s32(2)(a). In this respect, the content of the Committee's report should be regarded as this further evaluation, with the focus being on how to most effectively address matters raised by submitters.

Overall, the Committee therefore concludes that DPC72 has been considered under, and accords with, Sections 31, 32 and 74 and Part 2 in that it achieves the objectives of the District Plan and the sustainable management purposes of the Act.

## **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 submissions were received on the plan change. All matters raised in submissions have been considered in this report to the Hearings Committee.

A wide range of amendments are recommended in response to submissions received, but in the main these are suggested to fine tune 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 are so significant so as to undermine the intent of Plan Change 72 as notified.

## **6. OVERALL RECOMMENDATION**

Based on the Committee's consideration of all the material before me including the section 42A report from the council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32, it is recommend to the Council that:

- (a) DPC72 is approved as notified, except in relation to the matters identified in Appendix 2 where some minor changes have been recommended.
- (b) I encourage the Council to consider the wider and non-statutory suggestions made by this Committee and submitters. These include:

### *Medium Density Residential Areas ('Areas of Change')*

- (i) Further intensification of residential development remains central to the future sustainability of Wellington, and the Council is urged to continue identifying and providing opportunities for residential intensification (in the form of medium density residential development) in other parts of the city (such as Tawa, Newlands, Crofton Downs, Karori, Luxford Street (Berhampore) and Miramar), but with careful analysis and area specific controls for each new area. Comprehensive consultation on the other parts of the City suitable for medium density residential development is required before any pan changes are contemplated.
- (ii) Investments and infrastructure commitments set out in various documents (such as the LTCCP and the Community Facilities Policy) should continue to be committed to and implemented. This is particularly critical at Johnsonville. But also applies to Kilbirnie and any other contemplated locations. Such investments and commitments will ensure the Medium Density Residential Areas provide for existing and future needs of the local communities.
- (iii) Council should review whether 52 -84 Ross St, Kilbirnie is in the Medium Density Residential Areas 1 (Kilbirnie) following the completion of the Kilbirnie Town Centre Study. Similarly, and as part of DPC73 Council should (also via the Kilbirnie Town Centre Study) investigate an appropriate height regime for the bus barns site. Both the Ross Street and bus barn matters should be the subject to a separate alteration (plan

change or variation) to the District Plan to reflect the outcomes of the Kilbirnie Town Centre Study. xx

*Recession planes*

- (iv) Council should undertake a plan change to refine the building recession plane provisions in the Residential Area of the District Plan to better maintain and enhance character in many areas of the city, especially in older suburbs, whilst continuing to protect the amenity values for neighbours.

*Character Areas*

- (v) Following on from (iii) above, there are areas of the city that have character and townscape values worthy of additional protection than is currently provided for in Plan Change 72. Council should continue to identify and protect these areas from inappropriate subdivision and development. This will need to involve ongoing plan changes.

*Noise*

- (vi) The Committee is sympathetic to the New Zealand Transport Agency's request that would require all residential buildings adjacent to the SH1 network to be acoustically insulated; however the proposed solution involves a significant shift in policy that has not been provided for by Plan Change 72. Given the significance of this issue, there needs to be ongoing consultation between the Council, the Agency and other stakeholders on appropriate solutions. Any solutions identified will need to be addressed as part of a separate plan change process.
  - a. Wellington International Airport's strategy for proposed noise insulation provisions applying to properties in the vicinity of the airport was presented for the first time at the hearing. Whilst these provisions may have some merit, the Committee considered that it was beyond the scope of the original submission and should more appropriately be dealt with as a separate plan change. Ongoing consultation with WIAL and relevant stakeholders is recommended prior to any plan change being promulgated.

*Residential Coastal Edge (RCE)*

- b. Land on the eastern edge of Houghton Bay (as identified on the map under section 4.8 of this decision) is presently subject to the more restrictive 'Residential Coastal Edge' provisions given its high coastal landscape values. The land is presently being subdivided, however there is no certainty that development will occur in a manner which recognises the important landscape values of the site. If however the development occurs in accordance with the plans as proposed, Council is advised that a plan change could be initiated once the certificates of title have been issued to re-align the boundary of the RCE to follow the northern boundary of Lot 9, thereby removing the land from the RCE.

DATED AT WELLINGTON THIS 13 DAY OF AUGUST 2010

Alick Shaw

Chair of the Hearings Committee for Plan Change 72

**List of submitters and further submitters****Submissions were received from:**

<b>Submitter Number</b>	<b>Submitter Name</b>
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	Hineamoa 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. McFaul
257	L. Melrose
258	J.J McFaul
259	McFaul 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

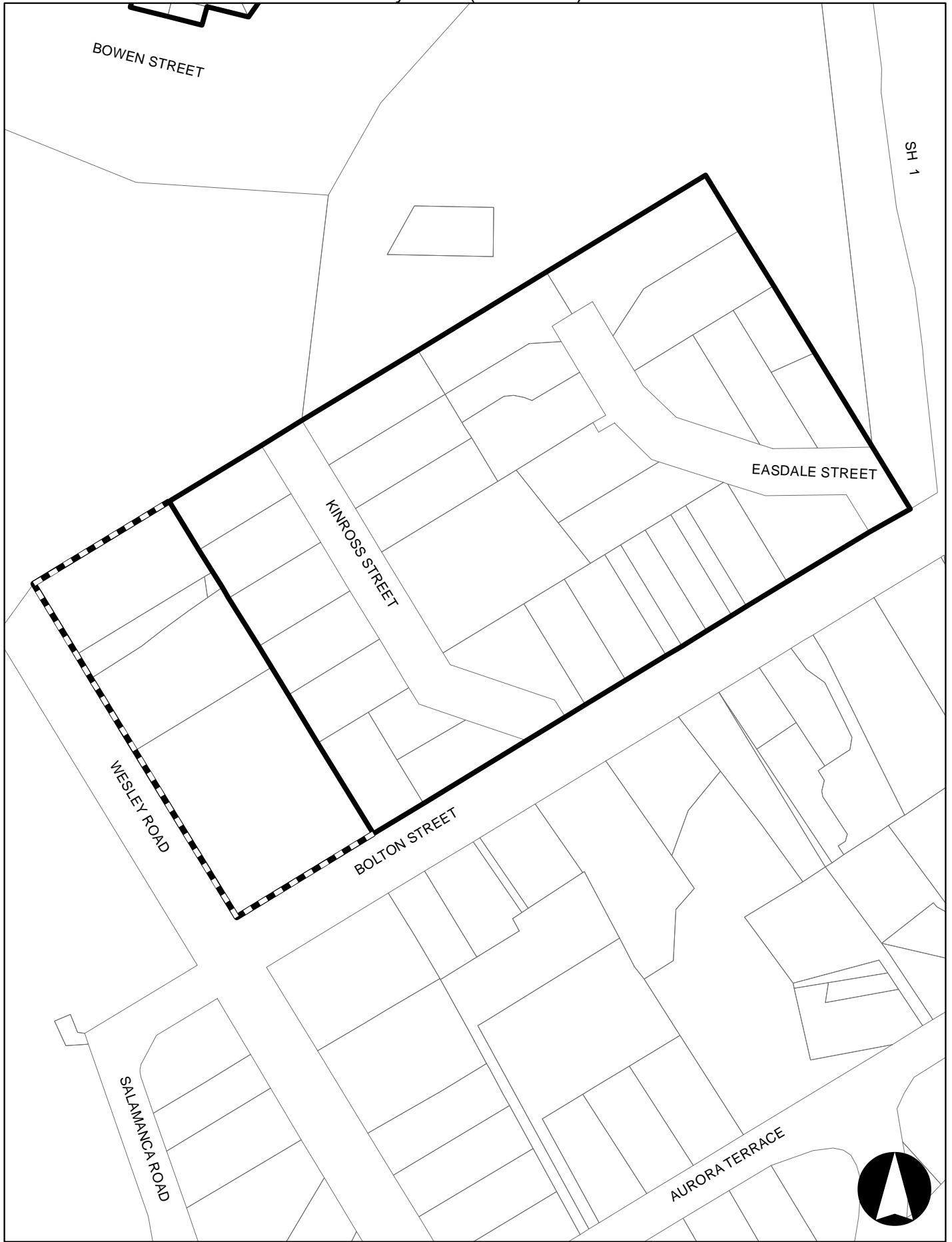
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321	Warren Taylor
322	Paul Sefton Williams
323	Deborah Jacqueline Mackley
324	Amanda Cunningham
325	Ian Baggott
326	Leon Cast
327	Natasha Hallett
328	Aidan Hallett
329	Paul Hallett
330	Susan McIntyre
331	Jeanette Mason
332	Edward Williams
333	Sarah 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

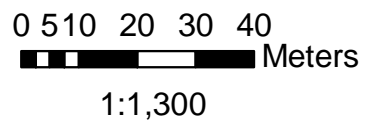
**Further Submissions were received from:**

<b>Submitter Number</b>	<b>Submitter Name</b>
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

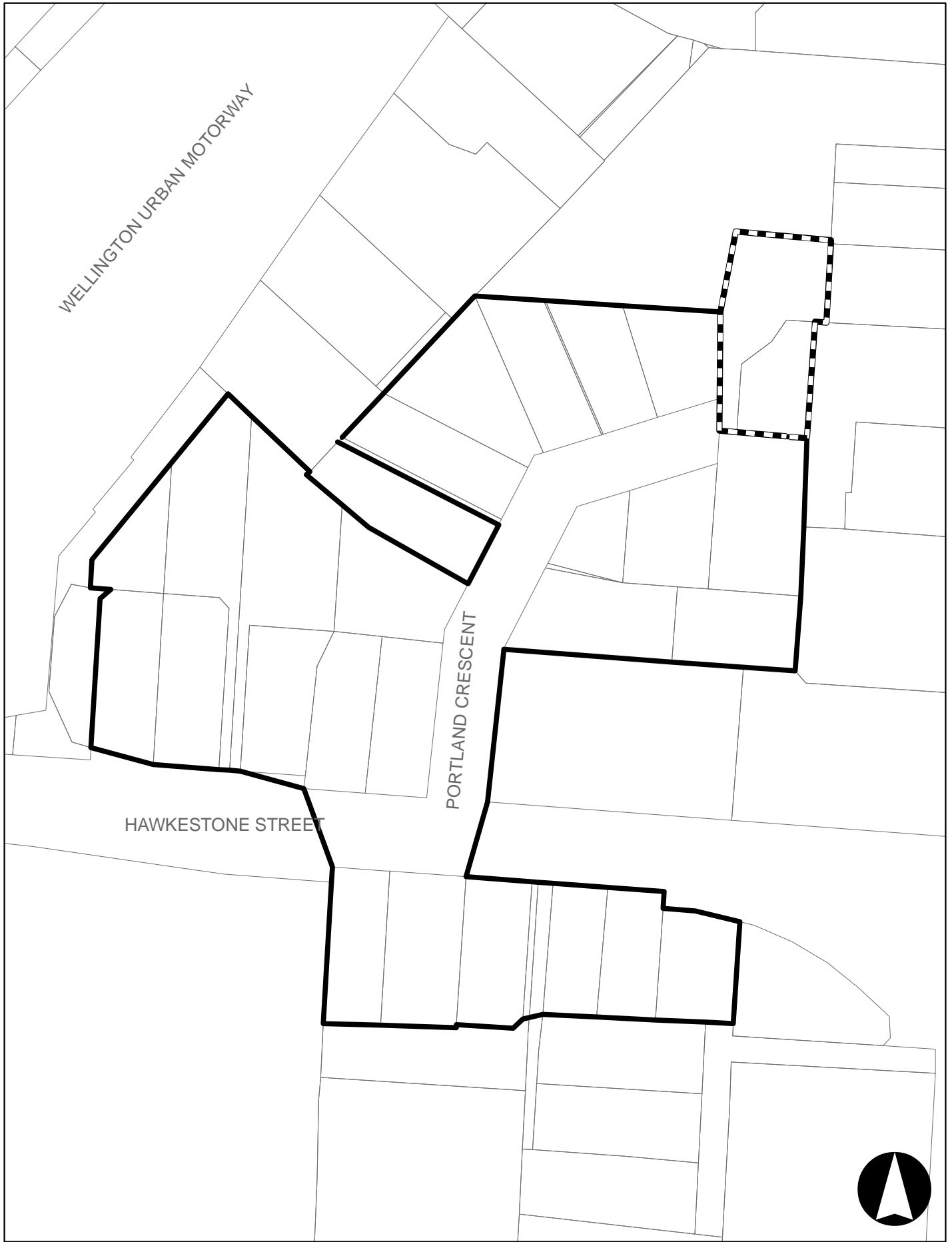
**Addition of Inner Residential Area Where the Pre-1930's  
Demolition Controls Apply**  
Wesley Road (North Side)



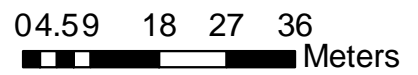
-  Boundary of Pre-1930's Demolition Control Area as notified
-  Land to be added to the pre-1930's Demolition Control Area



**Deletion of Inner Residential Area where the Pre-1930's  
Demolition Controls Apply**  
Portland Crescent



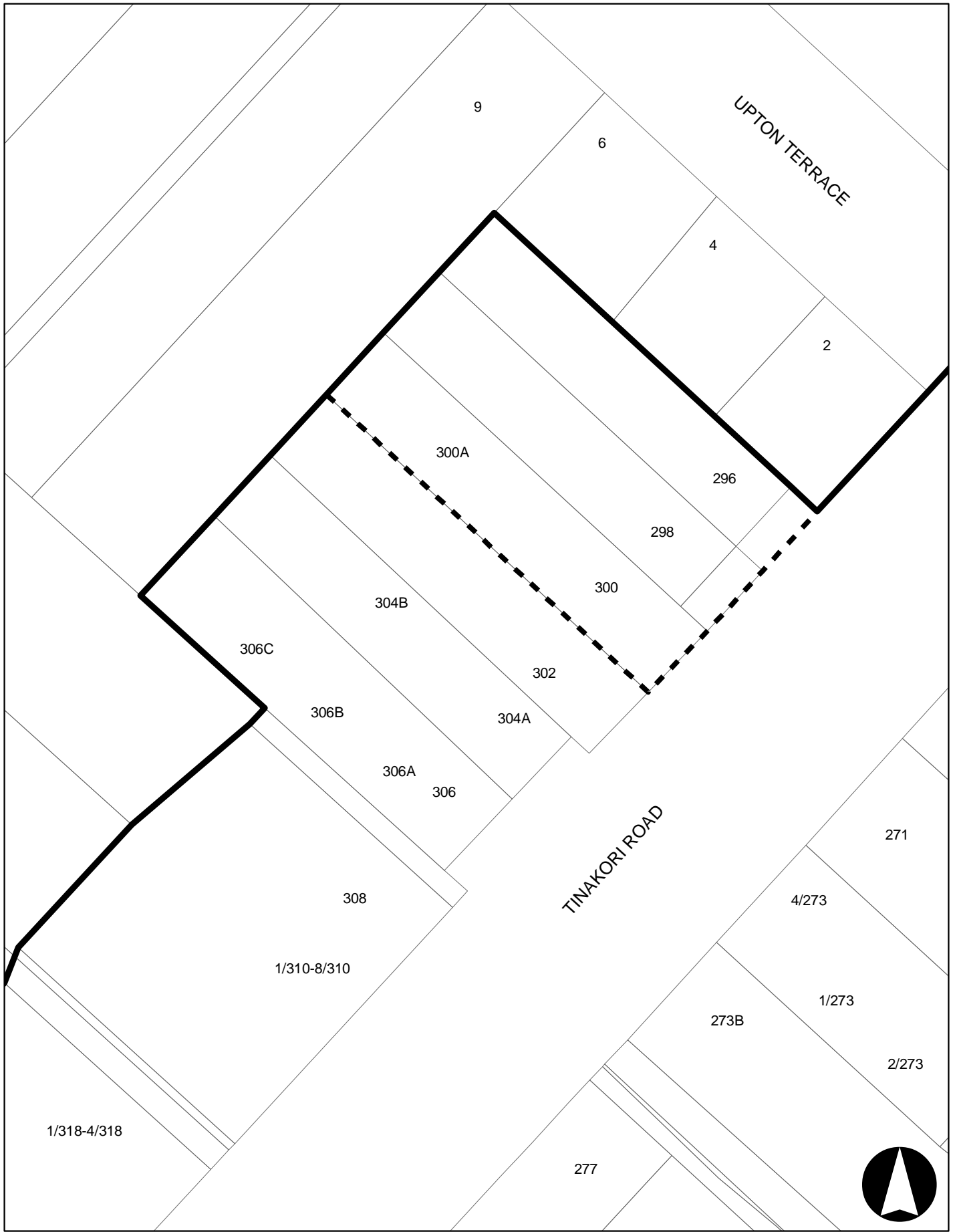
- Boundary of Pre-1930's Demolition Control Area as notified
- - - Land to be deleted from the pre-1930's Demolition Control Area



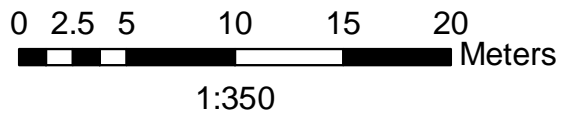
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**Amendment of Inner Residential Where the Pre-1930's  
Demolition Controls Apply**  
300 - 304 Tinakori Road, Thorndon




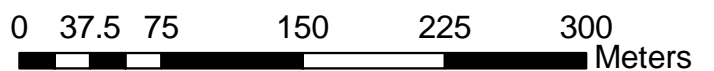
- Pre 1930's Demolition Control Boundary as notified
- - -** Pre 1930's Demolition Control Boundary as amended



# Addition of the Holloway Road Area to the areas where pre-1930's Demolition Controls Apply



 Holloway Road area to be included in the areas subject to the Pre-1930 Demolition Rule

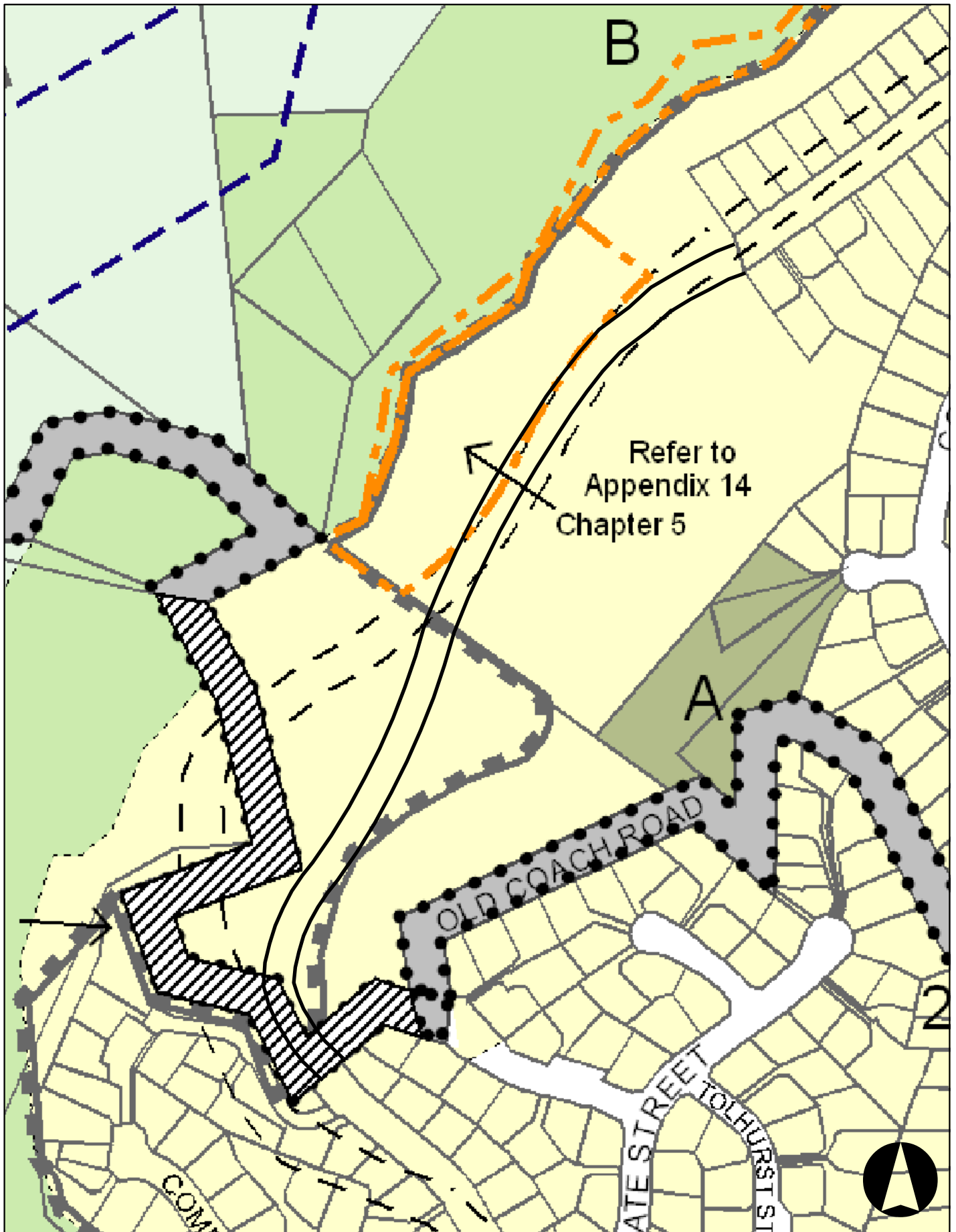


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# Link Road Realignment

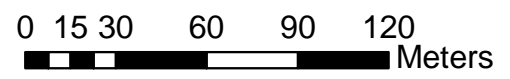
## McLintock Street Amendment to Planning Map 23



Refer to  
Appendix 14  
Chapter 5

--- McIntock Street alignment as notified

=== McIntock Street link road alignment as proposed to be amended




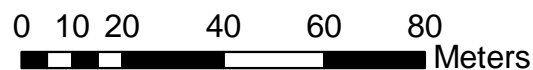
1:2,500

# Brentwood Hotel - Site Specific Rules

20 Kemp Street - Kilbirnie



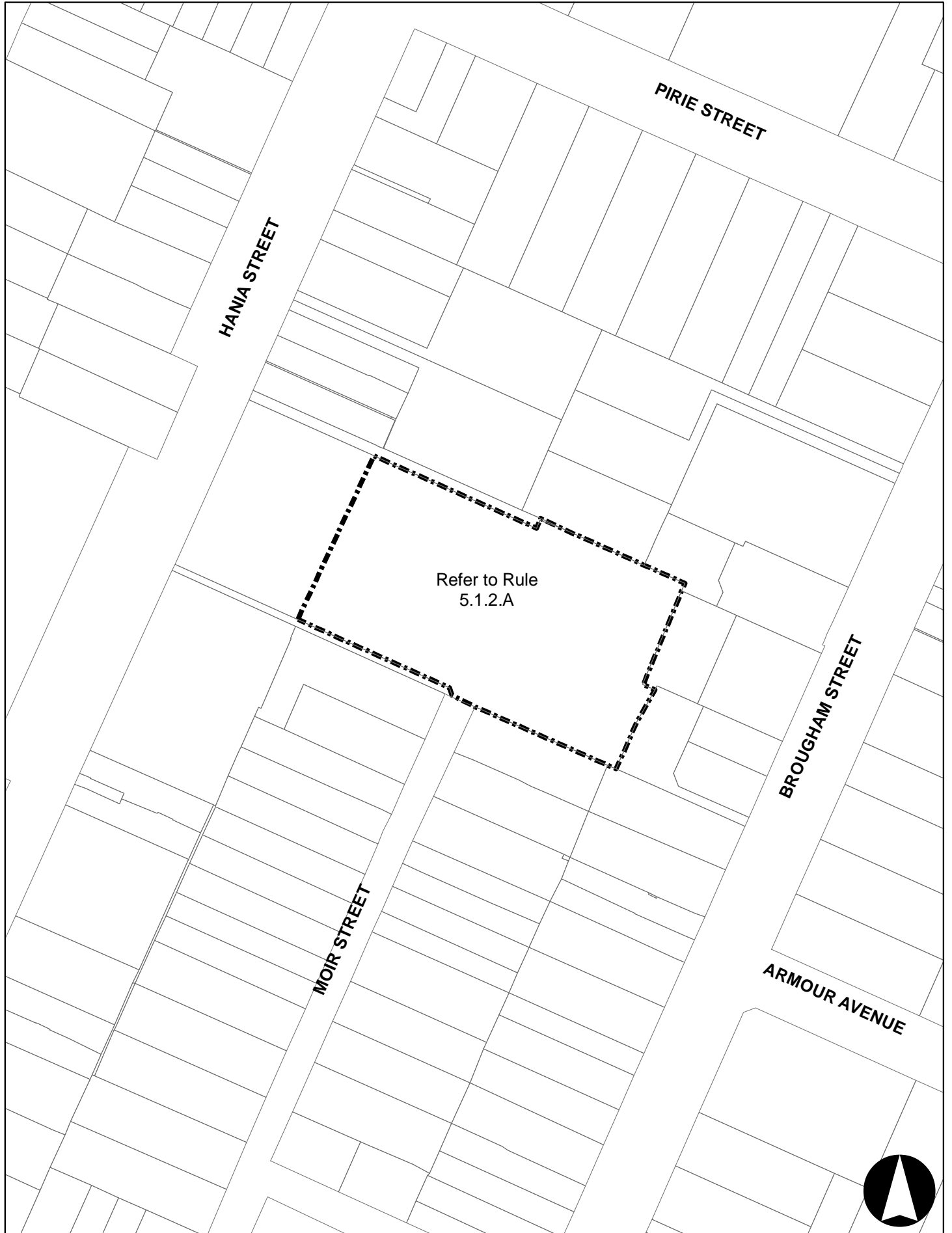
 Land subject to Rule 5.1.2.D



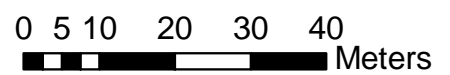
1:1,500

# E-Street Association Inc. Site Specific Rules

2 Hania Street - Mt Victoria



 Land subject to Rule 5.1.2.A

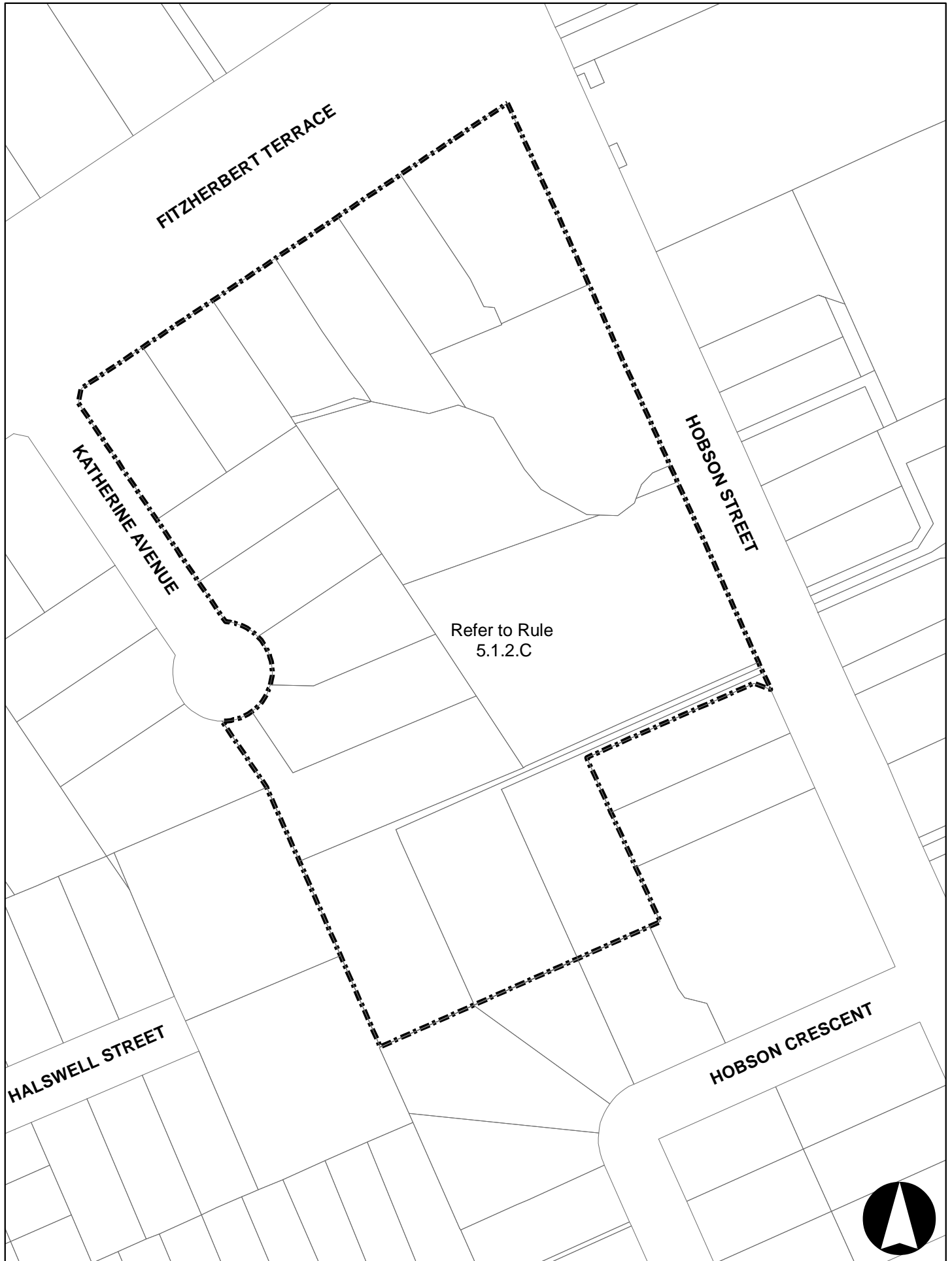



1:1,000




# Site Specific Rules for Educational Institutions

## Queen Margaret College - Thorndon

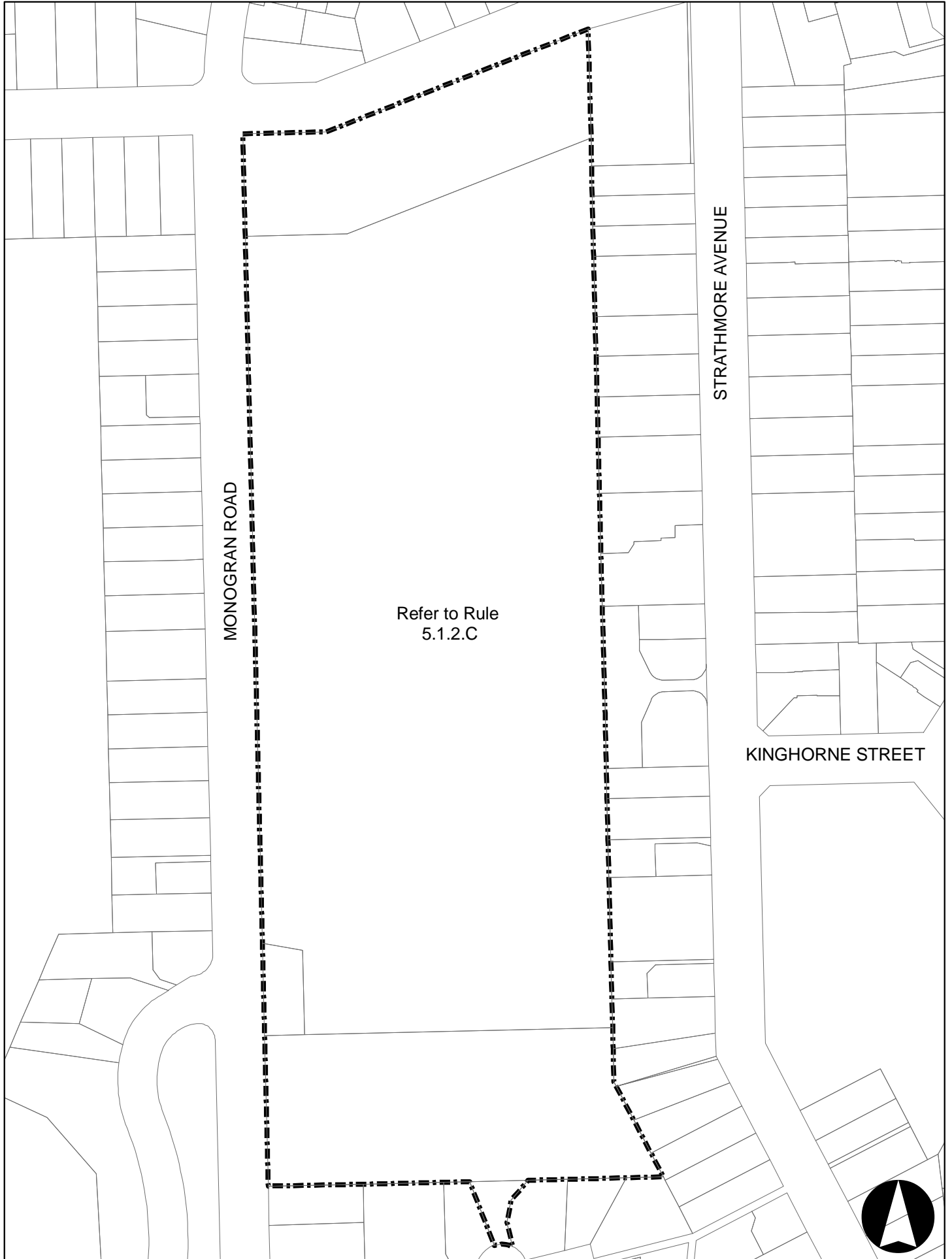


 Queen Margaret College - Land subject to Rule 5.1.2.C

0 5 10 20 30 40  
 Meters

1:1,000

Scots College - Miramar



Refer to Rule  
5.1.2.C

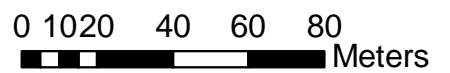
MONOGRAN ROAD

STRATHMORE AVENUE

KINGHORNE STREET

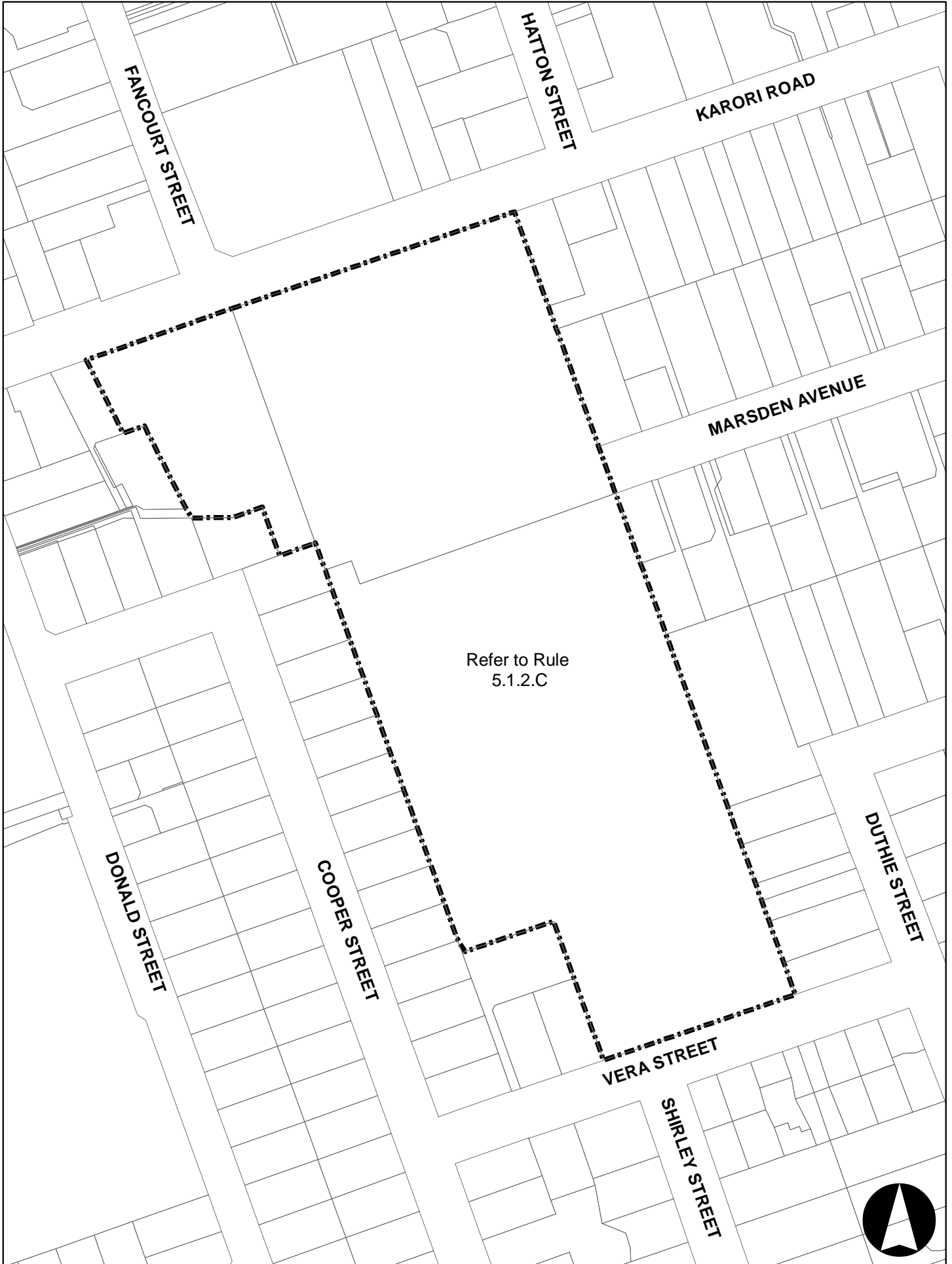


Scots College - Land subject to Rule 5.1.2.C



1:2,000

Samuel Marsden Collegiate School - Karori



Samuel Marsden Collegiate School - Land subject to Rule 5.1.2.C

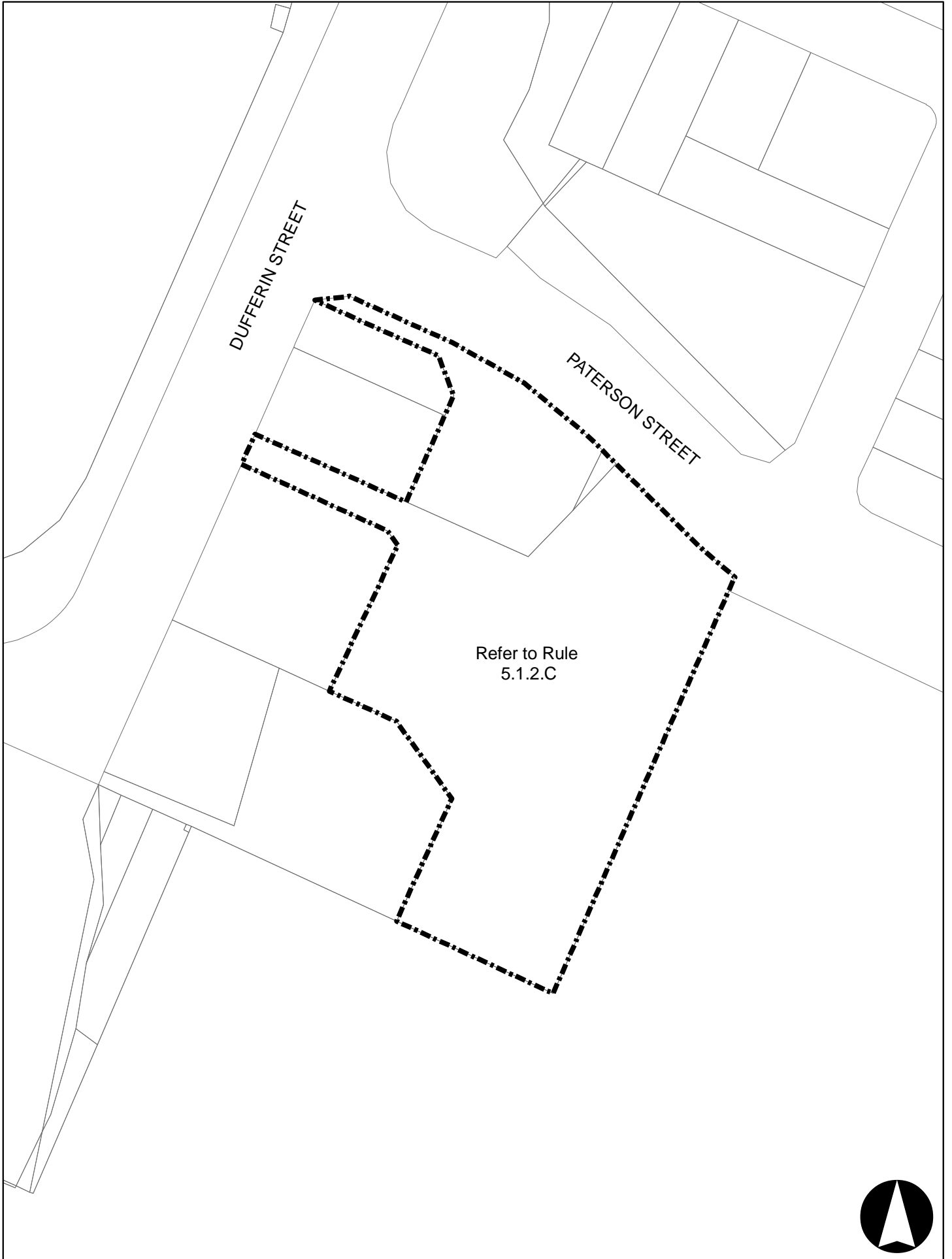
0 10 20 40 60 80


Meters

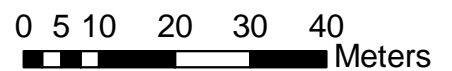
1:2,000



St Mark's Church School

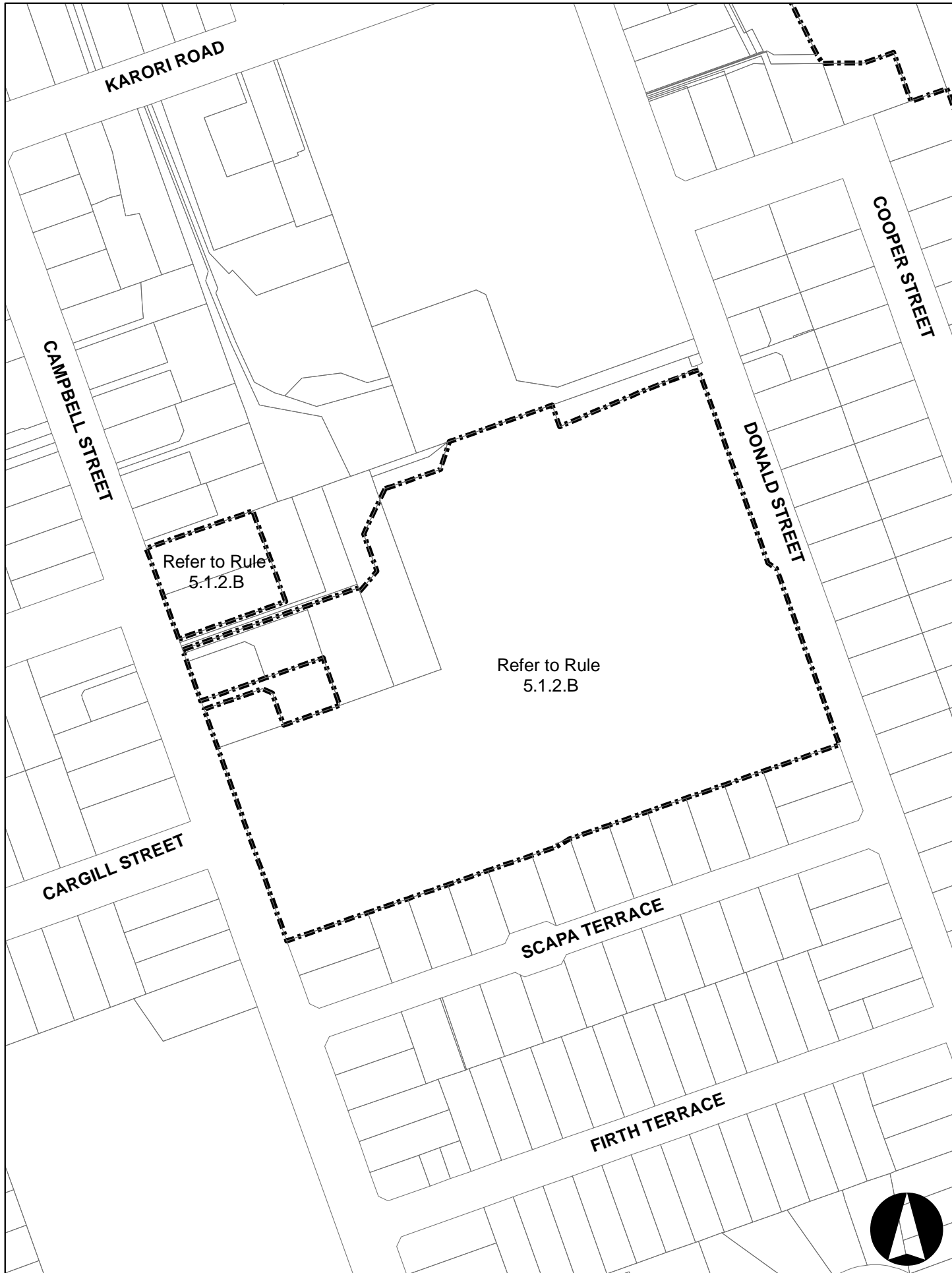


 St Marks Church School - Land Subject to Rule 5.1.2.C

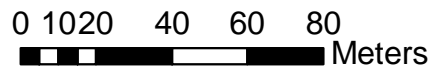


1:1,000





Victoria University (Karori Campus) - Land subject to Rule 5.1.2.B



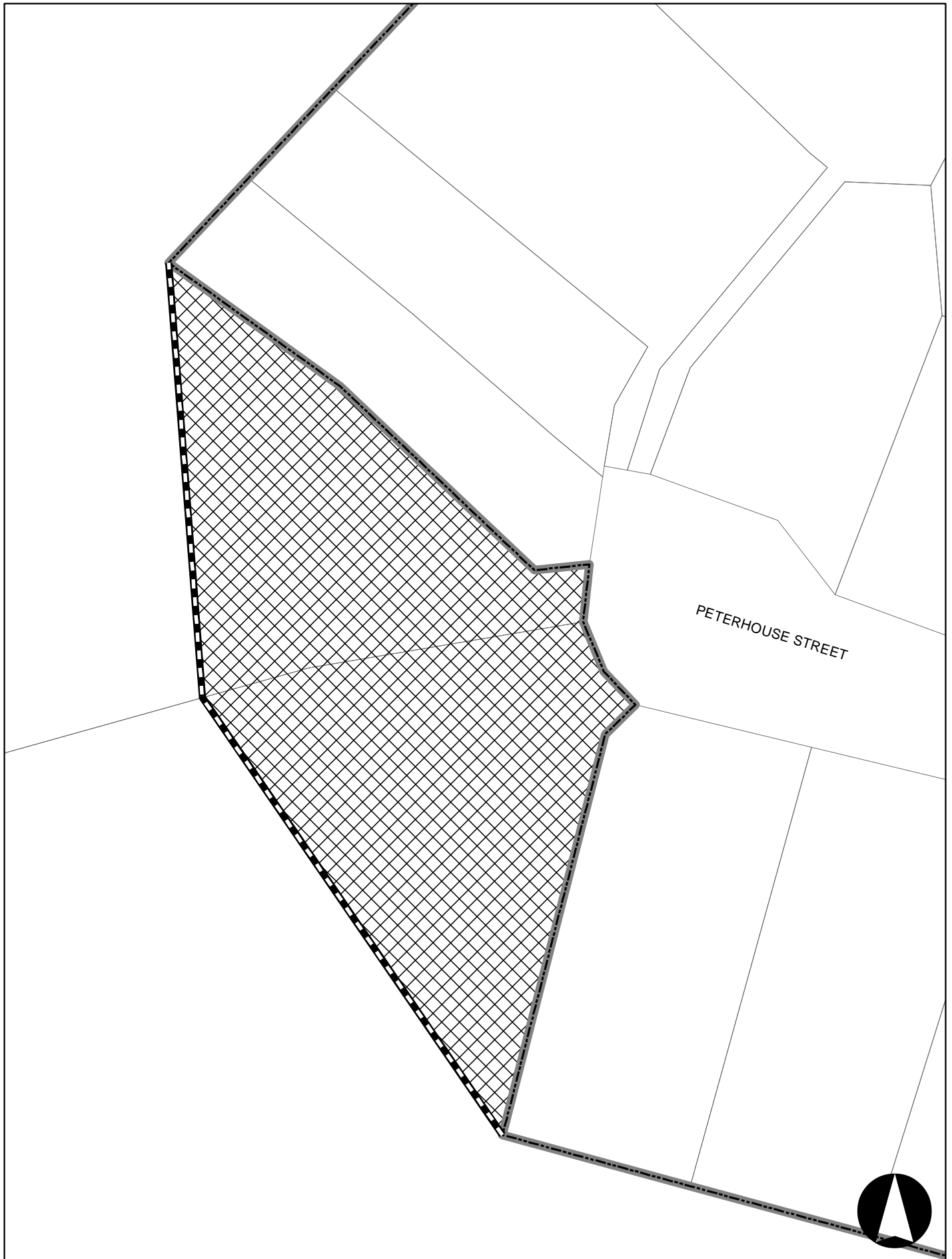
1:2,000



# Relocation of the Ridgeline and Hilltops Overlay Line

APPENDIX M

62 and 64 Peterhouse Street, Tawa



62 and 64 Peterhouse Street proposed to be zoned Residential (Outer)



Ridgeline and Hilltop Overlay Line as recommended to be amended



Ridgeline and Hilltop Overlay Line as notified

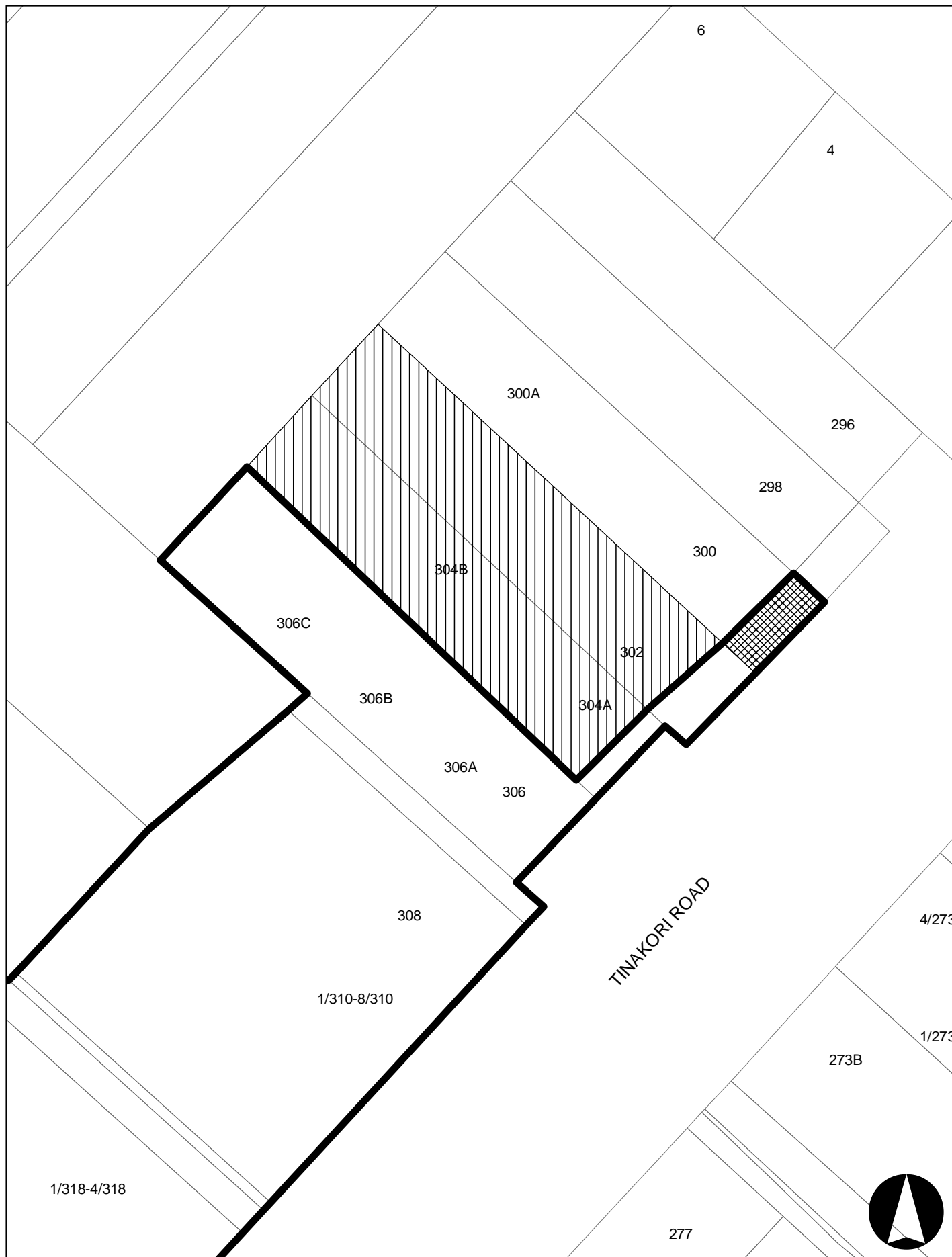
0 2.5 5 10 15 20




Meters

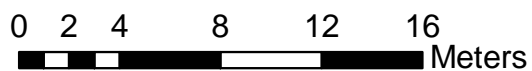
1:500

# Properties at 300 - 304 Tinakori Road Thorndon

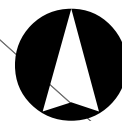
## Rezoning

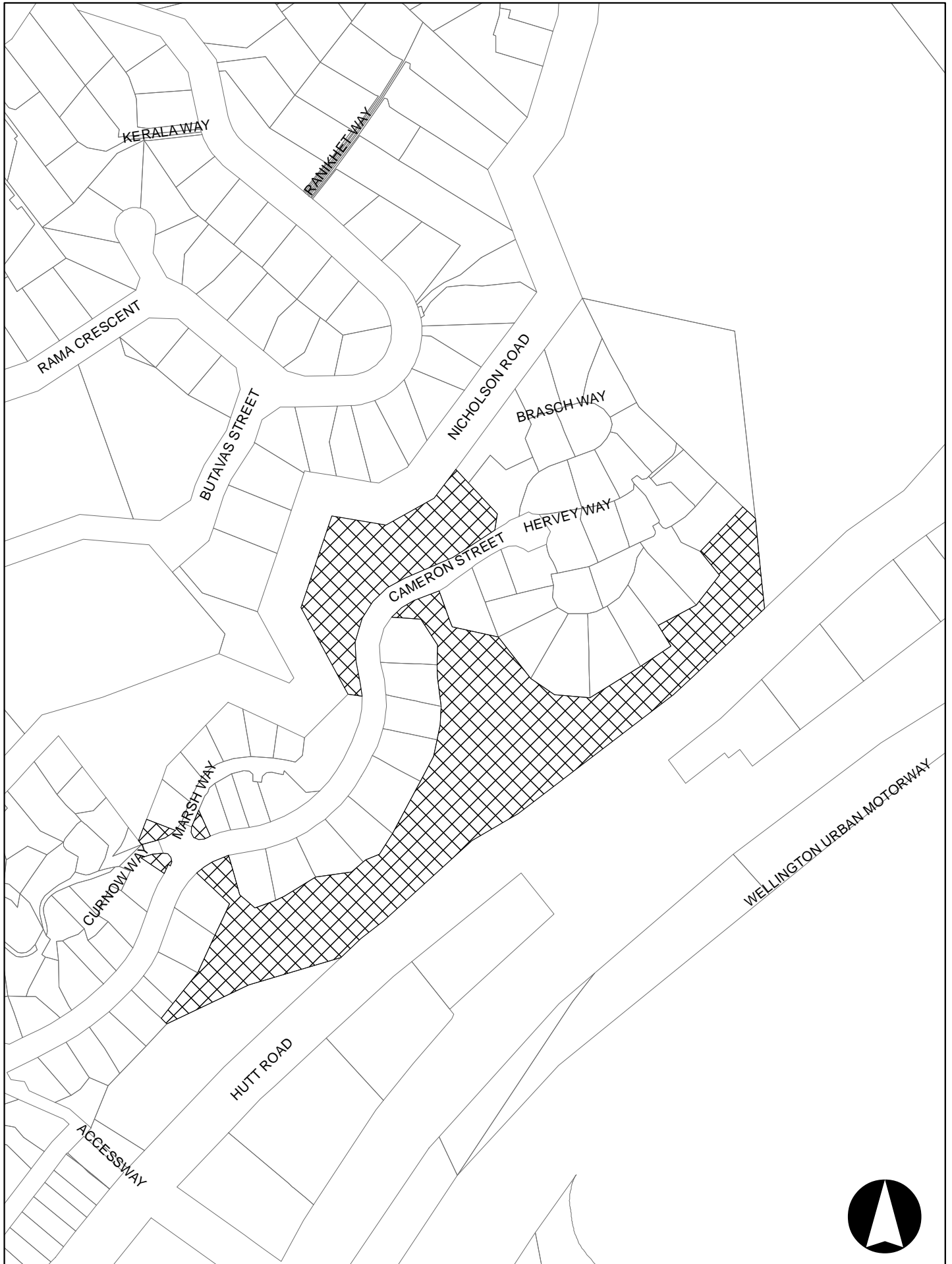



-  Land notified as Centre
-  Land Notified as Inner Residential to be zoned Centre
-  Land notified as Centres to be rezoned Inner Residential

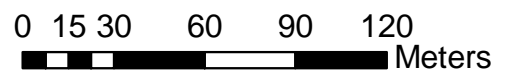


1:300





 Land zoned Residential (Outer) to be zoned Open Space B



1:2,500

