

# **Wellington City Proposed District Plan**

## **Stream 2 – Part 3, Residential Zones – Part 5: Large Lot Residential Zone**

### **Section 42A of the Resource Management Act**

## Part 5: Large Lot Residential Zone

### 1.0 Overview

1. This section of the S42A report for the Part 3 – Residential Zones addresses the Large Lot Residential Zone (LLRZ) provisions.
2. There were 30 submitters who collectively made 102 submission points in relation to the LLRZ.
3. There were 4 further submitters who collectively made 15 further submission points.
4. These submissions are categorised and assessed as follows:
  - i. General points relating to the LLRZ
  - ii. Requests for zone changes
  - iii. Submissions relating to specific provisions in the LLRZ chapter
  - iv. Proposed additional LLRZ provisions
5. This report should be read in conjunction with the information in the following appendices:
  - a. Appendix A – Recommended Amendments to the Residential Chapters
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Residential Chapters.

### 2.0 Format for Consideration of Submissions

6. For each identified topic, the consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
7. As noted above, the recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
8. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
9. I note that in the LLRZ there were no submissions on the following provisions:
  - LLRZ-O2 – Amenity values
  - LLRZ-P3 – Rural activity
  - LLRZ-P6 – Buildings and structures
  - LLRZ-R13 – Fences and standalone walls

I recommend that these provisions are retained as notified, and have not assessed them further in this report.

## 3.0 General Points Relating to the LLRZ

### Matters raised by submitters

10. Greater Wellington Regional Council [351.260] support, in a broad sense, the general intent of the proposed Large Lot Residential Zone (LLRZ) and generally supports well-planned intensification within the existing urban footprint in appropriate areas.
11. Submitters, including joint residential landowners / resident groups, community advocacy groups, and non-corporate individuals, have raised a range of concerns relating to the Large Lot Residential Zone, including:
  - a. The relationship between zones to ensure development is not unduly restricted in denser zones [Willis Bond and Company Limited 416.92].
  - b. The potential impact of the LLRZ on roading networks [Waka Kotahi 370.378].
  - c. The impact of earthworks and additional pressures on the three waters network [Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt 276.34 and 276.35]
  - d. Use of the definition "supported residential care activity" is unnecessary as there is already a definition of "residential activity" [Ara Poutama Aotearoa the Department of Corrections [240.21], with a further submission in opposition from Kainga Ora Homes And Communities [FS89.11]].

### Assessment

12. In response to the general submission points raising concerns relating to the LLRZ (points 2(a)-(d) above):
  - a. The relationship between zones was taken into account during the development of the PDP and the LLRZ will not unduly restrict development in adjoining denser zones. It appears that the submission point is incorrectly referenced against the LLRZ provisions, with the submitters concerns relating to higher density zones. Hence no further assessment of submission point 416.92 is required.
  - b. Waka Kotahi [370.378] supports the provision of appropriately scaled residential activities in the LLRZ where these do not result in adverse effects in the roading network. The LLRZ supports low density residential development, with any additional development requiring resource consent. Effects of development on the transport network will be addressed through the provisions of the Transport chapter.
  - c. Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt request that development in the LLRZ has a Discretionary activity status [276.34] so as to keep earthworks (and associated effects) to a minimum and mitigate adverse effects on Three Waters infrastructure. Additionally, they request that development is restricted to individual building platforms [276.35]. The Restricted Discretionary activity status at LLRZ-R12 is considered suitable given the broad scope of matters than can be assessed where a development exceeds the permitted development standards. Earthworks are regulated by the Earthworks chapter and the Three Waters chapter will require the installation of appropriate servicing. As such, no changes are considered necessary.
  - d. The definition "supported residential care activity" has been addressed in Hearing Stream 1, with changes made. No further assessment is required with respect to the matters raised in submission [240.21] and [FS89.11].

### Summary of recommendations

13. HS2-P5-Rec1: No amendments are recommended in response to the submission themes outlined under 'General Matters Raised by Submitters'.
14. HS2-P5-Rec2: That submission points relating to 'General Matters Raised by Submitters' are accepted/rejected as detailed in Appendix B.

## 4.0 Requests for zone changes

### Matters raised by submitters

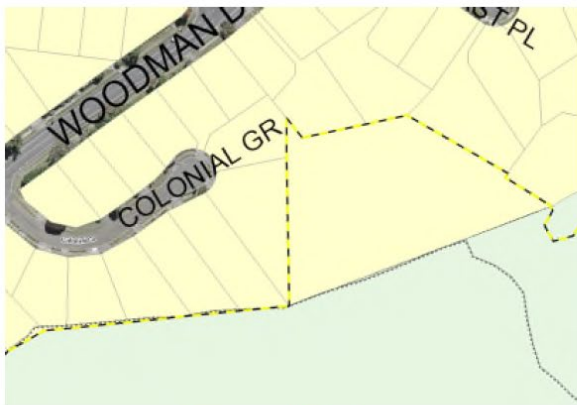
15. Several submitters seek the rezoning of specific sites from the LLRZ to the Medium Density Residential Zone (MRZ):
  - a. RR Ventures (2018) Ltd [227.3] seeks that 166 Glanmire Road, Newlands be rezoned from LLRZ to MRZ.
  - b. Peter Charlesworth [248.3] seeks that 11B Wilmshurst Place, Tawa be rezoned from LLRZ to MRZ.
  - c. Andrew Gall [59.1] seeks that 110 Mitchell Street, Brooklyn be rezoned from LLRZ to MRZ.
  - d. Scot Plunkett [57.1] seeks that 64B Peterhouse Street, Tawa be rezoned from LLRZ to MRZ.
  - e. Karepa Dell Developments [241.1] seek that 11 Makomako Road, Brooklyn be rezoned from LLRZ to MRZ.
  - f. Conor Hill [76.3] Considers that significantly more land should be zoned for residential development to comply with Objective 2 of the NPS-UD and that Takapu Valley was an option for Planning for Growth 2019 consultations and is therefore still a good option. The submitter seeks that all of Takapu Valley is rezoned to allow for more housing.

### Assessment

16. In response to RR Ventures (2018) Ltd's submission [227.3], the site at 166 Glanmire Road is large and is zoned Rural under the ODP.
17. The submitter's justification for the change is that the site is large, close to established infrastructure, and could provide for additional housing supply. As shown in the images below, the north-western portion of the site is zoned Natural Open Space under the PDP, thereby creating a disconnect between the more densely populated part of Newlands. The site is accessed from Glanmire Street, which is characterised by larger properties in a semi-rural setting, and is not considered suitable for additional intensification as it would substantially alter this character. I therefore recommend that the zoning of 166 Glanmire Road remains LLRZ.



18. In response to Peter Charlesworth’s submission [248.3], the site at 11B Wilmshurst Place is large and has a split zoning under the ODP, with a large portion of the site zoned Outer Residential Area and the remainder zoned Rural Area. This is shown below.



Current Zoning



Proposed Zoning

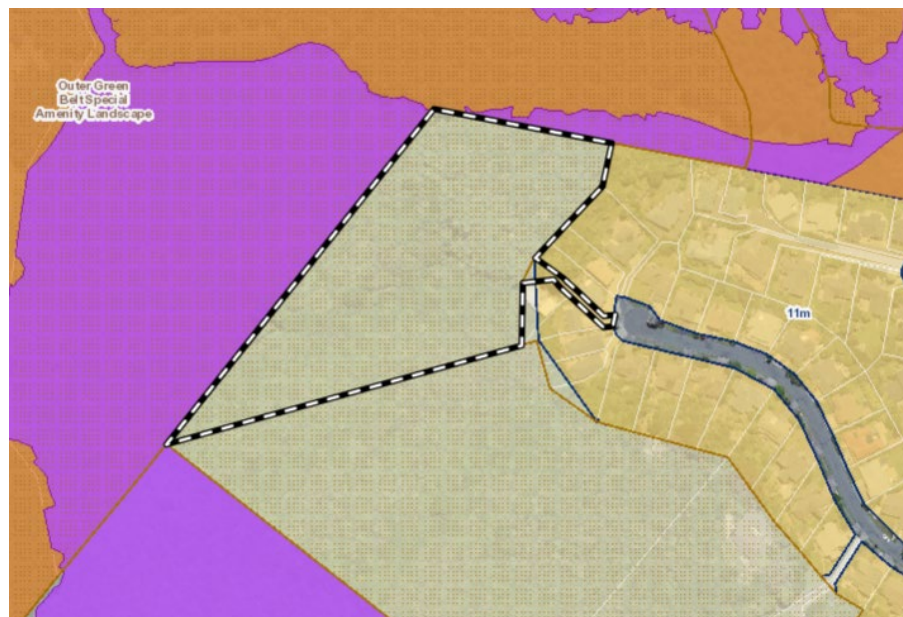
19. As such, the submitter argues that the proposed LLRZ imposes development constraints on the Outer Residential portion of the site that do not currently exist, and that this zoning would be contrary to the NPS-UD. The site is in an area characterised by low density residential development to the north and larger properties in a semi-rural setting to the south. The site itself contains one large residential building, consistent with the Large Lot Residential zoning. However, acknowledging that the PDP zoning would reduce existing development capacity and that the site is on the periphery of the Outer Residential Area, I recommend that the zoning of 11B Wilmshurst Place is changed to MRZ. Alternatively, the zoning could be split across the site, with the split following the existing zoning, ie the area comprising the existing Outer Residential Area land zoned MRZ and the remainder LLRZ.
20. In response to Andrew Gall’s submission [59.1], the site at 110 Mitchell Street is large and is zoned Rural Area under the ODP. The site is also within a gully characterised by large areas of native bush with recognised ecological values, contains an established stream and is subject to flood hazards. The submitter contends that the site is within walking distance to the CBD and is



suitable to medium density development. While the site is in proximity to the City, its location in a gully and the constraints associated with the stream (and associated flood risk) mean that this site is more suitable to lower density development. Rezoning to MRZ would allow for considerable vegetation clearance to be undertaken and additional development potential that would significantly alter the character of the immediate context and is not considered suitable in this location. I therefore recommend that the zoning of 110 Mitchell Street remain LLRZ.

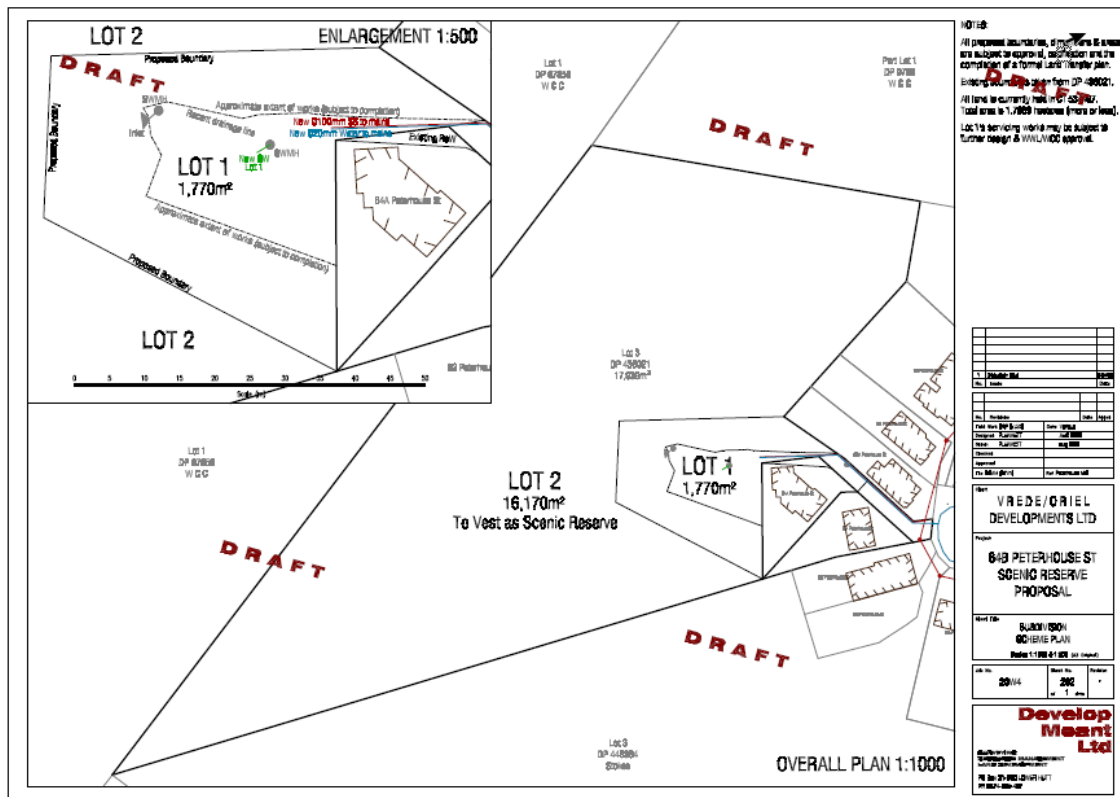


21. In response to Scot Plunkett's submission [57.1], the property is covered by the ridgelines and hilltops overlay in the PDP (shown as hatching in the image below) and is zoned Rural Area under the ODP.

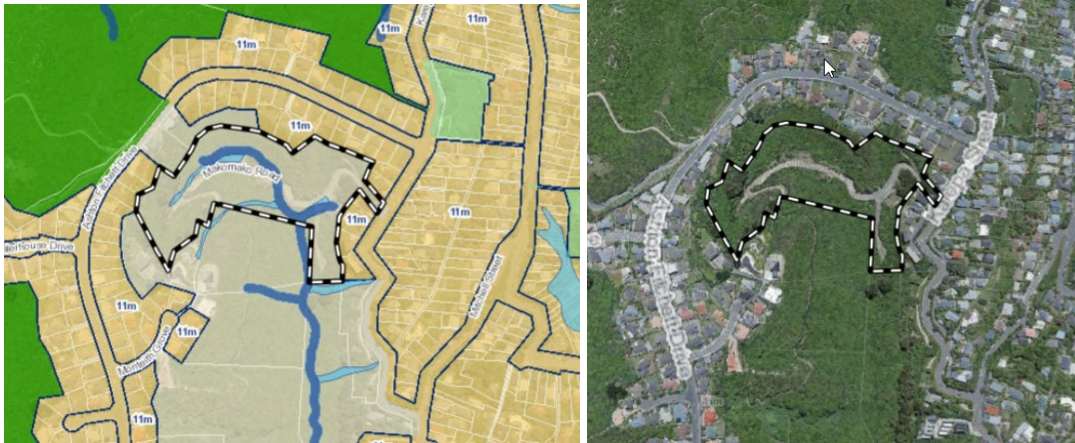


22. The submitter has requested redrawing the boundary between the MRZ and LLRZ portions of this site to reflect an approved subdivision consent. The plan below shows the location of the

subdivision boundary. Lot 1 will contain a residential unit, whereas the balance lot (Lot 2) is to be vested as a scenic reserve. Hence the request is to extend the MRZ to incorporate the new residential lot.



23. Due to the size of Lot 1, it could accommodate a MDRS development of up to three household units. The site is located at the end of a residential street and essentially extends the residential development one site further to the west. Rezoning this land MRZ would not detract from the established character and is in line with the expectations of the NPS-UD. As such, and given the remainder of the site (Lot 2) will remain in an undeveloped state, I accept that it would be appropriate for the site at 64B Peterhouse Street to be rezoned to MRZ.
24. In response to Karepa Dell's submission [241.1], I note that the site is large and zoned Rural Area under the ODP. As shown below, the site is located immediately to the north of the site at 110 Mitchell Street and has the same characteristics, including the established native vegetation, stream and hazard profile.



25. The submitter considers that the proposed LLRZ is arbitrary and inappropriate given the location of the site on the periphery of an urban area. Further, they have an approved resource consent to subdivide the site into 20 new lots, with 9 new dwellings. As such, they seek a rezoning to MRZ to allow for the further development of these properties consistent with the development potential available to the surrounding MRZ sites.
  
26. Given its location and existing character, this site is not considered suitable for additional intensification over and above the 20 new allotments approved under the subdivision consent. This level of development is consistent with level of development provided for under both the LLRZ and ODP Rural Area zoning. It is noted that the subdivision consent includes consent notice conditions requiring the retention of established vegetation, and would only provide for one household unit on each allotment. A MRZ zoning could increase that development potential to three units per lot (subject to design constraints associated with the flood hazards). This level of development considered suitable in this location. I therefore recommend that the zoning of 110 Mitchell Street remain LLRZ.
  
27. With respect to submissions 59.1 and 241.1, relating to the adjoining sites at 110 Mitchell Street and 11 Makomako Street respectively, I note that the rezoning of either of these sites to MRZ would create an expectation that the other should also be rezoned (for reasons of consistency and fairness). The result would be a significant increase in the development potential available to this part of the gully and resultant degradation of the existing character. While there is no Significant Natural Area (SNA) on these parcels of land, this is due to the change from Rural Area to LLRZ. If these zones were within the Rural Area under the PDP then a SNA would apply. This indicates that the vegetation has ecological values that warrant retaining.
  
28. In response to Conor Hill's submission point [76.3] seeking that all of Takapu Valley is rezoned, the capacity modelling undertaken by Wellington City Council, and addressed in Hearing Stream 1, shows that the city has sufficient development capacity to meet demand. Therefore, I consider it is both unreasonable and unnecessary to rezone all Takapu Valley from LLRZ for the purposes of providing additional housing. Takapu Valley is characterised by low-density housing and most houses are lifestyle type developments. The area is also on the rural fringe and separated from easy access to public transport into the city. I therefore recommend that the LLRZ remains.



### Summary of recommendations

29. HS2-P5-Rec3: The proposed LLRZ applying to the sites at 166 Glanmire Road, 110 Mitchell Street and 11 Makomako Road, and all of the land in Takapu Valley currently zoned LLRZ, be retained.
30. HS2-P5-Rec4: The sites at 11B Wilmshurst Place and 64B Peterson Street be rezoned to MRZ.
31. HS2-P5-Rec5: That submission points relating to 'Requests for Zone Changes' are accepted/rejected as detailed in Appendix B.

## 5.0 Submissions Relating to Specific LLRZ Provisions

### 5.1 Introduction (P1 Sch1)

#### Matters raised by submitters

32. Wellington City Council (WCC) [266.151] seek that the introduction to the chapter is amended to remove the reference to permeable area and to relocate the reference to the Three Waters chapter.
33. The Greater Wellington Regional Council (GWRC) made a further submission [FS84.8] in support of WCC's submission point [266.151] and seeks the submission point be allowed.
34. Taranaki Whānui ki te Upoko o te Ika Kāinga Ora [389.94] seek amendments to the introduction to include reference to the Sites and Areas of Significance to Māori.

#### Assessment

35. I accept the submission point raised by WCC [266.151] on the basis that any reference to permeable areas is better located in the Three Waters Chapter.
36. I reject the submission point raised by Taranaki Whānui ki te Upoko o te Ika Kāinga Ora [389.94] as the introduction to the chapter already signals that there are other Part 2 matters that a plan user needs to consider, it is not necessary to single out Sites and Areas of Significance to Māori in the LLRZ chapter as this is both unnecessary and would raise the issue of amending other relevant topic chapters in the PDP for consistency.

### Summary of recommendations

37. HS2-P5-Rec6: For the reasons set out in my assessment above, I recommend removal of the reference to permeable areas in the introduction to the LLRZ
38. HS2-P5-Rec7: That submission points relating to the introduction to the LLRZ are accepted/rejected as detailed in Appendix B.

### S32AA Evaluation

39. In my opinion, the amendment to the Introduction of the Large Lot Residential chapter is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. As issues to do with permeability are addressed in the Three Waters Chapter, duplicating it here is unnecessary and potentially confusing for plan users and the change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## 5.2 LLRZ-O1: Purpose (P1 Sch1)

### Matters raised by submitters

40. Oranga Tamariki [83.10] seeks that LLRZ-O1 is retained as notified.

### Assessment

41. I acknowledge the submission point by Oranga Tamariki [83.10].

### Summary of recommendations

42. HS2-P5-Rec8: That submission points relating to LLRZ-O1 are accepted/rejected as detailed in Appendix B.
43. HS2-P5-Rec9: That LLRZ-O1 be confirmed as notified.

## 5.3 LLRZ-O3: Non-Residential Activities (P1 Sch1)

### Matters raised by submitters

44. Ministry of Education [400.105] seeks that LLRZ-O3 is retained as notified.
45. Fire and Emergency New Zealand [273.213] seek that LLRZ-O3 is amended to enable activities that provide for the safety of communities within the LLRZ, with the following amendment sought:

Non-residential activities are in keeping with the amenity of the Large Lot Residential zone and provide for the community's <u>safety and</u> social, economic, and cultural well-being.
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### Assessment

46. I acknowledge and accept the submission point by the Ministry of Education [400.105].
47. I consider that the submission point raised by Fire and Emergency New Zealand [273.213] provides scope for the health and safety of communities to be considered.

### Summary of recommendations

48. HS2-P5-Rec10: That submission points relating to LLRZ-O3 are accepted/rejected as detailed in Appendix B.
49. HS2-P5-Rec11: That LLRZ-O3 be amended as set out below and detailed in Appendix A.

Non-residential activities are in keeping with the amenity of the Large Lot Residential zone and provide for the community's safety and social, economic, and cultural well-being.

### **S32AA Evaluation**

50. In my opinion, the amendment to LLRZ-03 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. Providing scope to consider the safety of communities is important and necessary and the change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### **5.4 LLRZ-P1: Residential Activities (P1 Sch1)**

#### **Matters raised by submitters**

51. Ara Poutama Aotearoa the Department of Corrections [240.22] seeks that LLRZ-P1 is retained as notified.
52. Waka Kotahi [370.379] seek to amend LLRZ-P1 to enable the management of the effects on the roading network from residential activities to be considered

#### **Assessment**

53. I acknowledge the submission point from Ara Poutama Aotearoa the Department of Corrections [240.22].
54. In response to the submission point from Waka Kotahi [370.379], this is a matter that more appropriately relates to the Transport Chapter in Part 2 of the PDP, noting that the effects of land use on the roading network sit within this chapter and the introduction to the Large Lot Residential Chapter directs plan users to refer to Part 2 for any additional provisions of relevance to activities in the LLRZ.

#### **Summary of recommendations**

55. HS2-P5-Rec12: That submission points relating to LLRZ-P1 are accepted/rejected as detailed in Appendix B.
56. HS2-P5-Rec13: That LLRZ-P1 be confirmed as notified.

### **5.5 LLRZ-P2: Enabled Non-Residential Activities (P1 Sch1)**

#### **Matters raised by submitters**

57. Several submitters [83.11, 370.380, 240.23 and 274.214] seek that LLRZ-P2 is retained as notified.
58. Waka Kotahi [370.381] seek to amend LLRZ-P2 to enable management of the effects on the roading network from residential activities to be considered.

59. Fire and Emergency New Zealand [273.215] seek to amend LLRZ-P2 to include emergency service facilities within the policy to provide for the establishment of fire stations in the LLRZ.

#### Assessment

60. I acknowledge the submission points seeking that LLRZ-P2 is retained as notified.
61. In response to the submission point from Waka Kotahi [370.381], this is a matter that more appropriately relates to the Transport Chapter in Part 2 of the PDP, noting that the effects of land use on the roading network sit within this chapter and the introduction to the Large Lot Residential Chapter directs plan users to refer to Part 2 for any additional provisions of relevance to activities in the LLRZ.
62. In response to Fire and Emergency New Zealand [273.215], the amendment would provide direction on the establishment of essential emergency facilities, should they be required.

#### Summary of recommendations

63. HS2-P5-Rec14: That submission points relating to LRZ-P2 are accepted/rejected as detailed in Appendix B.
64. HS2-P5-Rec15: That LRZ-P2 be amended as set out below and detailed in Appendix A.

Provide for home business, visitor accommodation, supported residential care activities, emergency service facilities, and childcare service activities to occur where the scale is such that the low-density amenity of the Large Lot Residential Zone is maintained.

#### S32AA Evaluation

65. In my opinion, the amendment to LLRZ-P2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- Providing scope to consider the safety of communities, by way of addressing emergency service facilities, is important and necessary and the change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

#### 5.6 LLRZ-P4: Community Facilities (P1 Sch1)

##### Matters raised by submitters

66. Waka Kotahi [370.382] seeks that LLRZ-P4 is retained as notified.

##### Assessment

67. I acknowledge Waka Kotahi's submission point [370.382].

##### Summary of recommendations

68. HS2-P5-Rec16: That submission points relating to LLRZ-P4 are accepted/rejected as detailed in Appendix B.



69. HS2-P5-Rec17: That LLRZ-P4 be confirmed as notified.

## **5.7 LLRZ-P5: Inappropriate Activities (P1 Sch1)**

### **Matters raised by submitters**

70. Waka Kotahi [370.384] seeks to amend LLRZ-P5 to avoid activities which adversely affect the roading network.

### **Assessment**

71. In response to the submission point from Waka Kotahi [370.384], this is a matter that more appropriately relates to the Transport Chapter in Part 2 of the PDP, noting that the effects of land use on the roading network sit within this chapter and the introduction to the Large Lot Residential Chapter directs plan users to refer to Part 2 for any additional provisions of relevance to activities in the LLRZ.

### **Summary of recommendations**

72. HS2-P5-Rec18: That submission points relating to LLRZ-P5 are accepted/rejected as detailed in Appendix B.

73. HS2-P5-Rec19: That LLRZ-P5 be confirmed as notified.

## **5.8 LLRZ-P7: Educational Facilities (P1 Sch1)**

### **Matters raised by submitters**

74. Waka Kotahi [370.385] and the Ministry of Education [400.106] seek that HRZ-P7 is retained as notified.

### **Assessment**

75. I acknowledge the submission points seeking to retain LLRZ-P7 as notified.

### **Summary of recommendations**

76. HS2-P5-Rec20: That submission points relating to LLRZ-P7 are accepted/rejected as detailed in Appendix B.

77. HS2-P5-Rec21: That LLRZ-P7 be confirmed as notified.

## **5.9 LLRZ-P8: Infrastructure (P1 Sch1)**

### **Matters raised by submitters**

78. Fire and Emergency New Zealand [273.216] seek that HRZ-P8 is retained as notified.

79. Waka Kotahi [370.387] seeks that LLRZ-P7 be amended as follows:

Ensure that new buildings can be appropriately serviced by either on-site or ~~council reticulated~~ public infrastructure that is able to accommodate the demand generated by the proposed activity within the building.

## Assessment

80. I acknowledge the submission point from Waka Kotahi [273.216] seeking to retain LLRZ-P7 as notified.
81. In response to Waka Kotahi [370.387], I consider the term 'public infrastructure' to be more inclusive and enabling in scope as it not only covers 'council reticulated' infrastructure but also provides for broader consideration of supporting infrastructure such as public transport.

## Summary of recommendations

82. HS2-P5-Rec22: That submission points relating to LLRZ-P8 are accepted/rejected as detailed in Appendix B.
83. HS2-P5-Rec23: That LLRZ-P8 be amended as set out below and detailed in Appendix A.

Ensure that new buildings can be appropriately serviced by either on-site or ~~council reticulated~~ public infrastructure that is able to accommodate the demand generated by the proposed activity within the building.

## S32AA Evaluation

84. In my opinion, the amendment to LLRZ-P8 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- Providing scope to consider all public infrastructure, not solely council reticulated infrastructure, provides for a broader range of services. In addition, the change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

## 5.10 LLRZ-R1: Residential Activities (P1 Sch1)

### Matters raised by submitters

85. Ara Poutama Aotearoa the Department of Corrections [240.24] seek that LLRZ-R1 be retained as notified.

## Assessment

86. I acknowledge the submission point from Ara Poutama Aotearoa the Department of Corrections [240.24] seeking to retain LLRZ-P7 as notified.

## Summary of recommendations

87. HS2-P5-Rec24: That submission points relating to LLRZ-R1 are accepted/rejected as detailed in Appendix B.
88. HS2-P5-Rec25: That LLRZ-R1 be confirmed as notified.

### 5.11 LLRZ-R2: Home Business (P1 Sch1)

#### Matters raised by submitters

89. Waka Kotahi [370.388] seeks that LLRZ-R2 is retained as notified.
90. Craig Palmer [492.34 and 492.35] seeks that LLRZ-R2 be amended to reduce the proposed numbers working on site and those visiting from 10 to 6, as they are out of proportion to a home-based business. In addition, the submitter considers that the LLRZ-R2 exception to exclusive residential use needs to be tailored to small and non-intrusive ventures that can be readily monitored.
91. Craig Palmer [492.36] seeks that LLRZ-R2.2 is amended to include the potential loss of tenancies for commercial property owners paying higher rates as a matter of discretion.
92. Craig Palmer [492.37] seeks that LLRZ-R2 is amended to include the mandatory notification and consultation provisions of the Prostitution Reform Act 2003 need to be added as a caveat.

#### Assessment

93. I acknowledge the submission point from Waka Kotahi [370.388] seeking to retain LLRZ-R2 as notified.
94. I disagree with the submission points from Craig Palmer for the following reasons:
  - a. I do not consider that the number of people associated with the home business at any one time needs to reduce to 6 from 10. Providing for 10 people allows for workers and customers to be on site at any one time. This, combined with the other requirements in LLRZ-R2, will ensure the effects from a home business are managed to be less than minor as a permitted activity.
  - b. The relief sought in submission point 492.36 is outside the scope of what can be realistically addressed through the PDP hearing process.
  - c. In relation to submission point 492.37, I consider this to be an unnecessary addition to LLRZ-R2 as any potential prostitution activity in the LLRZ site would be subject to and need to satisfy the specific statutory requirements of the Prostitution Reform Act 2003.

#### Summary of recommendations

95. HS2-P5-Rec26: That submission points relating to LLRZ-R2 are accepted/rejected as detailed in Appendix B.
96. HS2-P5-Rec27: That LLRZ-R2 be confirmed as notified.

### 5.12 LLRZ-R3: Visitor Accommodation (P1 Sch1)

#### Matters raised by submitters

97. Airbnb [126.9] and Waka Kotahi [370.389] seek that LLRZ-R3 be retained as notified.

## **Assessment**

98. I acknowledge the submission points seeking that LLRZ-R3 is retained as notified.

## **Summary of recommendations**

99. HS2-P5-Rec28: That submission points relating to LLRZ-R3 are accepted/rejected as detailed in Appendix B.

100. HS2-P5-Rec29: That LLRZ-R3 be confirmed as notified.

## **5.13 LLRZ-R4: Childcare Services (P1 Sch1)**

### **Matters raised by submitters**

101. The Ministry of Education [400.107] and Waka Kotahi [370.391] seek that LLRZ-R4 be retained as notified.

## **Assessment**

102. I acknowledge the submission points seeking that LLRZ-R4 is retained as notified.

## **Summary of recommendations**

103. HS2-P5-Rec30: That submission points relating to LLRZ-R4 are accepted/rejected as detailed in Appendix B.

104. HS2-P5-Rec31: That LLRZ-R4 be confirmed as notified.

## **5.14 LLRZ-R5: Supported Residential Care (P1 Sch1)**

### **Matters raised by submitters**

105. Waka Kotahi [370.390] seek that LLRZ-R5 is retained as notified.

106. Ara Poutama Aotearoa the Department of Corrections [240.25] seek that LLRZ-R5 is retained as notified if the "supported residential care activity" definition and references to this term are retained.

107. Oranga Tamariki [83.13] seek the preclusion of public notification for supported residential care activities exceeding 10 residents from LLRZ-R5.2 to ensure consistency across residential zones.

## **Assessment**

108. I acknowledge the submission points seeking that LLRZ-R5 is retained as notified, noting that the definition of 'supported residential care' was addressed in Hearing Stream 1 with a corresponding recommendation that the proposed definition be retained.

109. I disagree with Oranga Tamariki's submission point [83.13]. I consider that precluding public notification is inappropriate given the potential large-scale nature of supported residential care activities and resultant effects that could arise. Further, I am of the view that the notification tests in sections 95A to 95E offer a clear avenue to determine whether public, limited or non-notification is appropriate based on the specific circumstances of an activity.



### Summary of recommendations

110. HS2-P5-Rec32: That submission points relating to LLRZ-R5 are accepted/rejected as detailed in Appendix B.

111. HS2-P5-Rec33: That LLRZ-R5 be confirmed as notified.

### 5.15 LLRZ-R6: Rural Activity (P1 Sch1)

#### Matters raised by submitters

112. Waka Kotahi [370.393] seek that LLRZ-R6 is amended to ensure that trip generation resulting from permitted activities under LLRZ-R6 is minimal. Specifically, the submitter requests the following amendment to LLRZ-R6:

1. Activity Status: Permitted

Where:

- a. The activity is limited to:
  - i. The grazing and keeping of livestock;
  - ii. Equestrian activities; and
  - iii. Horticulture; and
- b. Vehicle movements generated by the activity comply with the trip generation thresholds in the transport chapter.

#### Assessment

113. I disagree with Waka Kotahi's submission point [370.393] as it is unnecessary to refer to the Transport chapter in these rules, given the introduction to the Large Lot Residential Chapter refers plan users to consider all District Plan Part 2 matters including relevant rules in the Transport chapter.

### Summary of recommendations

114. HS2-P5-Rec34: That submission points relating to LLRZ-R6 are accepted/rejected as detailed in Appendix B.

115. HS2-P5-Rec35: That LLRZ-R6 be confirmed as notified.

### 5.16 LLRZ-R7: Community Facility (P1 Sch1)

#### Matters raised by submitters

116. Waka Kotahi [370.394] seek that LLRZ-R7 be retained as notified.

#### Assessment

117. I acknowledge Waka Kotahi's submission point [370.394] seeking that LLRZ-R7 is retained as notified.

### Summary of recommendations

118. HS2-P5-Rec36: That submission points relating to LLRZ-R7 are accepted/rejected as detailed in Appendix B.

119. HS2-P5-Rec37: That LLRZ-R7 be confirmed as notified.

### 5.17 LLRZ-R8: Educational Facility (P1 Sch1)

#### Matters raised by submitters

120. Waka Kotahi [370.395] seek that LLRZ-R8 be retained as notified.

121. The Ministry of Education [400.109] seek that LLRZ-R8 is amended so that educational facilities are provided for as a Restricted Discretionary activity in the LLRZ rather than Discretionary. The submitter specifically requests the following amendment:

1. Activity Status: ~~Discretionary~~ Restricted Discretionary

Matters of discretion are:

1. The matters in LLRZ-P7

Notification status: An application for resource consent made in respect of rule LLRZ-R8.1 is precluded from being publicly notified.

#### Assessment

122. I disagree with the Ministry of Education's submission point [400.109] to make educational facilities a restricted discretionary activity. The LLRZ is primarily a zone that is intended to cater for semi-rural development on the urban fringe. The zone recognises the semi-rural character of the properties within it and seeks to encourage low-density residential development. Although discretionary activity status for educational facilities does not preclude them being established in the LLRZ, it ensures that there are no limitations in assessing their impact, particularly as these facilities can be expansive in nature and be of a scale that can have a detrimental effect on the amenity of a semi-rural setting. It is also important to note that unlike the Medium Density and High Density Residential Zones, within which educational facilities are treated as a restricted discretionary activity, the spatial extent of the LLRZ is comparatively small.

### Summary of recommendations

123. HS2-P5-Rec38: That submission points relating to LLRZ-R8 are accepted/rejected as detailed in Appendix B.

124. HS2-P5-Rec39: That LLRZ-R8 be confirmed as notified.

### **5.18 LLRZ-R9: Any activity not otherwise listed as permitted, restricted discretionary, or discretionary (P1 Sch1)**

#### **Matters raised by submitters**

125. Waka Kotahi [370.396] and Fire and Emergency New Zealand [273.217] seek that LLRZ-R9 be retained as notified.

#### **Assessment**

126. I acknowledge the submission points seeking that LLRZ-R9 is retained as notified.

#### **Summary of recommendations**

127. HS2-P5-Rec40: That submission points relating to LLRZ-R9 are accepted/rejected as detailed in Appendix B.

128. HS2-P5-Rec41: That LLRZ-R9 be confirmed as notified.

### **5.19 LLRZ-R10: Maintenance and repair of buildings and structures (P1 Sch1)**

#### **Matters raised by submitters**

129. Fire and Emergency New Zealand [273.218] seek that LLRZ-R10 is retained as notified.

#### **Assessment**

130. I acknowledge Fire and Emergency New Zealand's submission point [273.218] that LLRZ-R10 is retained as notified.

#### **Summary of recommendations**

131. HS2-P5-Rec42: That submission points relating to LLRZ-R10 are accepted/rejected as detailed in Appendix B.

132. HS2-P5-Rec43: That LLRZ-R10 be confirmed as notified.

### **5.20 LLRZ-R11: Demolition or removal of a building or structure (P1 Sch1)**

#### **Matters raised by submitters**

133. Greater Wellington Regional Council [351.262] and Fire and Emergency New Zealand [273.219] seek that LLRZ-R11 be retained as notified.

134. Greater Wellington Regional Council [351.263] seek that LLRZ-R11 is amended to add a requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.

#### **Assessment**

135. I acknowledge the submission points seeking that LLRZ-R11 is retained as notified.

136. I disagree with Greater Wellington Regional Council's submission point [351.263]. In keeping with the approach across all residential zones, I do not consider it practical to require building and demolition waste to be disposed of at an approved facility. In particular, I am of the opinion

that it would be an impractical requirement to enforce given the difficulties of tracking waste from the numerous demolition projects that typically occur across the city. In addition, I note that the Solid Waste Management and Minimisation Bylaw 2020 specifically deals with construction waste, with all persons undertaking demolition required to comply with it.

### Summary of recommendations

137. HS2-P5-Rec44: That submission points relating to LLRZ-R11 are accepted/rejected as detailed in Appendix B.
138. HS2-P5-Rec45: That LLRZ-R11 be confirmed as notified.

### 5.21 LLRZ-R12: Construction, addition or alteration of buildings, accessory buildings (P1 Sch1)

#### Matters raised by submitters

139. Fire and Emergency New Zealand [273.220] seek that LLRZ-R12 be retained as notified.
140. KiwiRail Holdings Limited [408.124] seek that LLRZ-R12 is amended to add a matter of discretion directing consideration of impacts on the safety and efficiency of the rail corridor in situations where the 5m setback standard is not complied with. Specifically, the submitter requests the following amendment:

...

2. Activity status: Restricted discretionary

Where:

- a. Compliance with any of the requirements of LLRZ-R12.1.a cannot be achieved.

Matters of discretion are:

1. The extent and effects of the non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.
2. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

#### Assessment

141. I acknowledge Fire and Emergency New Zealand's submission point [273.220] seeking that LLRZ-R12 is retained as notified.
142. I support Kiwirail Holdings Limited submission point [408.124] to add a new matter of discretion, as outlined above. In particular, I agree that consideration of the ability to safely use, access, and maintain buildings without requiring access on, above or over the rail corridor is an important consideration. However, I disagree with requiring a 5m setback from the rail corridor, noting that my reasons for this are discussed in my assessment in relation to LLRZ-S6 (Building setback) below.



### Summary of recommendations

143. HS2-P5-Rec46: That submission points relating to LLRZ-R12 are accepted/rejected as detailed in Appendix B.

144. HS2-P5-Rec47: That LLRZ-R12 be amended as set out below and detailed in Appendix A.

...

3. Activity status: Restricted discretionary

Where:

- b. Compliance with any of the requirements of LLRZ-R12.1.a cannot be achieved.

Matters of discretion are:

3. The extent and effects of the non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.
4. The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

### S32AA Evaluation

145. In my opinion, the amendment to LLRZ-R12 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. Providing a matter of discretion to ensure buildings can be safely maintained when they are located adjoining a rail corridor is an important consideration for health and safety but also practical reasons. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### 5.22 LLRZ-S1: Maximum number of residential buildings (P1 Sch1)

#### Matters raised by submitters

146. Waka Kotahi [370.398] seek that LLRZ-S1 is amended so that the residential activities that are not permitted are be assessed for any adverse effect on infrastructure and the transport network. Specifically, the submitter requests the following amendment to the Assessment Criteria under LLRZ-S1:

...

4. Whether the topography of the site mitigates or exacerbates effects; and
5. The extent to which site layout or landscaping has been incorporated into the design to mitigate any resulting amenity effects; and
6. Whether the proposal will have any adverse effects on infrastructure capacity or the safety and efficiency of the transport network and how any effects will be managed.

147. Kiwirail Holdings Limited made a further submission [FS72.91] in support of Waka Kotahi's submission point above [370.398] and seek that it is allowed.
148. Rimu Architects Ltd [318.29] seeks that LLRZ-S1 is amended as it does not adequately cover a situation where a minor unit forms part of the main residential building (for example, in a separate wing or floor level) rather than existing as a standalone building. Specifically, the submitter requests the following amendment:

1. There shall be a maximum number of:
  - a. One residential unit per site; or
  - b. One residential unit and one minor residential unit per site (whether both are located within one building, or each located in a separate building).

### Assessment

149. I disagree with Waka Kotahi's submission point [370.398] and Kiwirail Holdings Limited further submission point [FS72.91]. This is on the basis that the transport chapter and the infrastructure chapter already require consideration of the safety and efficiency of the transport network and infrastructure capacity. As the introduction to the LLRZ chapter directs the plan user to consider all District Plan Part 2 matters, including transport and infrastructure, I therefore consider it inefficient and unnecessary to have duplicate provisions included in this chapter as well.
150. I disagree with Rimu Architects Ltd submission point above [318.29] as the proposed rule already does what the submitter is requesting, in that it sets out that one residential unit and one minor residential unit is permitted per site, regardless of whether the two are separate standalone units or integrated in one building.

### Summary of recommendations

151. HS2-P5-Rec49: That submission points relating to LLRZ-S1 are accepted/rejected as detailed in Appendix B.
152. HS2-P5-Rec50: That LLRZ-S1 be confirmed as notified.

## 5.23 LLRZ-S2: Maximum floor area of accessory buildings and minor residential units (P1 Sch1)

### Matters raised by submitters

153. Rimu Architects Ltd [318.30] seeks that LLRZ-S2 is amended to mention 'gross floor area' and 'net floor area' as both are defined terms. The use of either of these would be preferable to the current use of 'floor area' which is not. In addition, the submitter seeks clarity that several 100m<sup>2</sup> accessory buildings are permitted per site, unlike minor residential units.

### Assessment

154. I support Rimu Architects Ltd submission point [318.30]. In particular, I agree that 'gross floor area' is a more useful term as it is defined in the PDP and is used consistently throughout the residential zones. I also agree with adding further clarity around allowing several accessory

buildings up to 100m<sup>2</sup> each per site as this will assist the interpretation and administration of LLRZ-S2.

### Summary of recommendations

155. HS2-P5-Rec51: That submission points relating to LLRZ-S2 are accepted/rejected as detailed in Appendix B.
156. HS2-P5-Rec52: That LLRZ-S2 be amended as set out below and detailed in Appendix A.

...

1. The maximum gross floor area of ~~an~~ each accessory building per site shall be 100m<sup>2</sup>; and
2. The maximum gross floor area of a Minor Residential Unit per site shall be 80m<sup>2</sup>.

### S32AA Evaluation

157. In my opinion, the amendment to LLRZ-S2 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- a. The change assists in interpretation and makes the Large Lot Residential Zone consistent with other residential zones, it also makes use of an existing defined term. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### 5.24 LLRZ-S3: Maximum Height (P1 Sch1)

#### Matters raised by submitters

158. Fire and Emergency New Zealand [273.221] seek that LLRZ-S3 is amended to permit emergency service facilities, so as to permit fire station buildings of up to 9m in height and hose drying towers up to 15m in height.

#### Assessment

159. I disagree with Fire and Emergency New Zealand submission point [273.221]. In particular, I consider it is essential that the effects of allowing potential buildings/structures up to 15m in height are properly considered in the context of the LLRZ, which aims to provide for a low-density housing environment. With respect to the requested 9m building height, I note the submitter states that: *“Fire stations are typically single storied buildings of approximately 8-9m height and are usually about to comply with the height standards in district plans generally”*. LLRZ-S3 allows buildings up to 8m in height, with an additional 1m where there is a roof slope of 15 degrees or greater (rising to a central ridge). As such, no change to the maximum height standard at LLRZ-S3 is required to accommodate new fire station buildings.
160. Under LLRZ-S3 any building or structure that exceeds the height limits would be treated as a Restricted Discretionary activity requiring resource consent, with this enabling potential effects of the non-compliance to be thoroughly assessed and suitable conditions imposed if the application is approved. This will enable the Council to assess the effects of buildings higher than

9m and any hose drying (or similar) towers, which could be up to 15m in height. I am therefore of the opinion that this is an appropriate approach to addressing the establishment of future emergency service facilities in the LLRZ, noting further that consideration as a Restricted Discretionary activity for any breach is unlikely to have a marked effect on their construction given the low frequency at which fire stations and hose drying towers are generally constructed.

#### Summary of recommendations

161. HS2-P5-Rec53: That submission points relating to LLRZ-S3 are accepted/rejected as detailed in Appendix B.
162. HS2-P5-Rec54: That LLRZ-S3 be confirmed as notified

#### 5.25 LLRZ-S4: Height in relation to boundary (P1 Sch1)

##### Matters raised by submitters

163. Fire and Emergency New Zealand [273.224] seeks that LLRZ-S4 is amended for an exemption for emergency service facilities and hose drying towers regarding height in relation to boundary standards.

##### Assessment

164. I disagree with Fire and Emergency New Zealand submission point [273.224] for the same reasons outlined in paragraph 162.

#### Summary of recommendations

165. HS2-P5-Rec55: That submission points relating to LLRZ-S4 are accepted/rejected as detailed in Appendix B.
166. HS2-P5-Rec56: That LLRZ-S4 be confirmed as notified

#### 5.26 LLRZ-S5: Building Coverage (P1 Sch1)

##### Matters raised by submitters

167. Rimu Architects Ltd [318.31] seek that LLRZ-S5 is amended as followed:
- a. That the 'site area' be amended to refer to 'net site area'.
  - b. The maximum 'total floor area' of 500m<sup>2</sup> be referred to as 'building footprint' which is a defined term in the PDP.
  - c. The submitter considers that the 500m<sup>2</sup> limit is unduly restrictive and seeks this is amended to 600m<sup>2</sup>.

168. The submitter specifically requests the following amendment to LLRZ-S5:

1. For net site areas below 1750m<sup>2</sup>: Maximum site coverage: 35%, or a maximum ~~total floor area~~ building footprint of ~~500~~ 600m<sup>2</sup> inclusive of any accessory buildings (whichever is the lesser)
2. For net site areas 1750m<sup>2</sup> and above: Maximum site coverage: 20%.



## Assessment

169. I support in part Rimu Architects Ltd's submission point [318.31]. In particular I agree that:
- Given there is a 400m<sup>2</sup> limit on residential buildings and an 800m<sup>2</sup> limit on accessory buildings in the rural zone, a maximum combined floor area of 500m<sup>2</sup> is restrictive and would benefit from increasing the limit to 600m<sup>2</sup>. This would allow for a large residential unit along with a moderately sized accessory building, reflecting the intended density and supporting the intended use of properties in this zone.
  - Amending the standard to refer to 'net site area' instead of 'site area' and 'building footprint' instead of 'total floor area' would improve its effectiveness as these terms are defined in the PDP thereby reducing interpretive ambiguity.
170. I disagree with the part of Rimu Architects Ltd submission point [318.31] seeking to change the site coverage limits based on whether the net site area is over or under 1750m<sup>2</sup>. I am of the opinion that the proposed standard sufficiently controls site coverage by keeping the figure at 35%, despite the site size. This is because the maximum building footprint will be relative to the size of the site. As the site increases, the site coverage that can be accommodated also increases.

## Summary of recommendations

171. HS2-P5-Rec57: That submission points relating to LLRZ-S5 are accepted/rejected as detailed in Appendix B.
172. HS2-P5-Rec58: That LLRZ-S5 be amended as set out below and detailed in Appendix A.

<p>3. Maximum site coverage: 35% of net site area, or a maximum <del>total floor area</del> <u>building footprint</u> of <del>500</del> <u>600</u>m<sup>2</sup> inclusive of any accessory buildings (whichever is the lesser)</p>
--

## S32AA Evaluation

173. In my opinion, the amendment to LLRZ-S5 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- The change assists in interpretation and makes use of existing defined terms. I also am of the opinion that a 600m<sup>2</sup> limit is more appropriate for the zone to allow for larger accessory buildings on large sites. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### 5.27 LLRZ-S6: Building Setback (P1 Sch1)

#### Matters raised by submitters

174. Fire and Emergency New Zealand [273.225] seeks that LLRZ-S6 is retained as notified.
175. James Barber [56.6] seeks that LLRZ-S6 is deleted in entirety.

176. Kiwirail Holdings Limited made a further submission [FS72.92] opposing the submission point by James Barber [56.6] and seeks that the submission point be disallowed. This is on the basis that space is needed between buildings and the railway corridor to maintain buildings.
177. KiwiRail Holdings Limited [408.125] seek that LLRZ-S6 is amended so there is a boundary setback requirement of 5m from the rail corridor for all buildings and structures. This will ensure there is sufficient space to access and maintain structures without requiring access to or protruding over rail land.

### Assessment

178. I disagree with James Barber's submission point [56.6] seeking that LLRZ-S6 is deleted<sup>1</sup> on the basis that he prefers housing opening to the street, rather than 1.5m wide yards surrounded by fencing. I do not agree with this request as I consider that boundary setbacks are required to ensure that the low-density residential character of the zone is maintained. Nevertheless, given the underlying character of the LLRZ I am not convinced that the scenario Mr Barber is concerned about would be a common occurrence. As such, I reject the submission point and recommend retaining LLRZ-S6 as notified.
179. I support in part KiwiRail Holdings Limited submission point [408.125] to the extent that I agree with their reasoning for requiring a setback from the rail corridor for the purposes of accessing and maintaining buildings and structures. However, I disagree with their request for a 5m setback from the railway corridor and in keeping with my recommendations made with respect to the boundary setback standards MRZ-S4 and HRZ-S4, I propose a 1.5m setback from railway corridors as I consider this will provide sufficient space for access and maintenance, whilst ensuring development capacity is not unduly affected. Given the LLRZ proposes a 3m setback for side and rear yards, and a 5m setback for front yards, I consider it unnecessary to amend LLRZ-S6.

### Summary of recommendations

180. HS2-P5-Rec59: That submission points relating to LLRZ-S6 are accepted/rejected as detailed in Appendix B.
181. HS2-P5-Rec60: That LLRZ-S6 be confirmed as notified

### 5.28 LLRZ-S7: Fences and Standalone Walls (P1 Sch1)

#### Matters raised by submitters

182. Fire and Emergency New Zealand [273.227] seeks that LLRZ-S7 is amended so that the erection of fences and walls will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. The submitter specifically seeks the following amendment:

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<sup>1</sup> Note that the Council has inferred that this is the decision requested by the submitter.

1. No fence or standalone wall, or combination of these structures, must not ~~exceed~~:
  - a. Exceed a maximum height of 2m above ground level where within 1m of any boundary; ~~and~~.
  - b. Exceed the height in relation to boundary standard in LLRZ-S4; and
  - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shutoff valves, or other emergency response facilities.

### Assessment

183. I support the submission point by Fire and Emergency New Zealand [273.227] as I consider that the potential obstruction of emergency related response facilities is an important consideration that will enable the safe operation of these facilities. However, as outlined below, I recommend that the wording of the standard is altered slightly to improve its readability.

### Summary of recommendations

184. HS2-P5-Rec61: That submission points relating to LLRZ-S7 are accepted/rejected as detailed in Appendix B.

185. HS2-P5-Rec62: That LLRZ-S7 be amended as set out below and detailed in Appendix A.

2. No fence or standalone wall, or combination of these structures, shall: ~~must not exceed~~:
  - a. Exceed a maximum height of 2m above ground level where within 1m of any boundary; ~~and~~.
  - b. Exceed the height in relation to boundary standard in LLRZ-S4; and
  - c. Obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shutoff valves, or other emergency response facilities.

### S32AA Evaluation

186. In my opinion, the amendment to LLRZ-S7 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:

- a. The change will help to ensure that important emergency facilities are not blocked from access by fences or standalone walls. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### 5.29 LLRZ-S8: Permeable Area (P1 Sch1)

#### Matters raised by submitters

187. The Tyers Stream Group [221.76 and 221.77] and the Trelissick Park Group [168.25 and 186.26] consider that LLRZ-S8 should be amended to stipulate a neutral or lesser degree of stormwater runoff compared with pre-development. In addition, both submitters seek that the assessment criteria are deleted as they believe that the rule should never be breached.

188. The Wellington City Council [266.152] seeks that LLRZ-S8 is deleted in its entirety from the LLRZ as the standard is better placed in the Three Waters Chapter.
189. The Greater Wellington Regional Council [FS84.10] made a further submission in support of the Wellington City Council's submission point [266.152] and seeks that it is allowed.

### Assessment

190. I disagree with the submission points from The Tyers Stream Group and Trelissick Park Group. I consider that determining neutral or lesser stormwater runoff would be impractical due to the work that would be required to carry this out. Stipulating a figure (ie 60%) is a more appropriate and practical way of managing permeability effects. I note that it is not certain that the 60% standard would never be breached. Within the LLRZ, this level of permeability is considered appropriate as this will assist to maintain the low-density character. I disagree with deleting the assessment criteria as they are the key means of evaluating and determining how any non-compliance is addressed.
191. I agree with the Wellington City Council's submission point [266.152] that LLRZ-S8 should be deleted and moved to the Three Waters chapter as this is a more appropriate location for this standard. This would be consistent with my recommendation to relocate MRZ-S10 and HRZ-S10 to the Three Waters chapters, as it is logical to group all provisions associated with servicing and water quality within that chapter.

### Summary of recommendations

192. HS2-P5-Rec63: That submission points relating to LLRZ-S8 are accepted/rejected as detailed in Appendix B.
193. HS2-P5-Rec64: That LLRZ-S8 be deleted as set out below and detailed in Appendix A with consequential renumbering of LLRZ-S9 and references to standards.

~~1. A minimum of 60% of the site must be of a permeable surface.~~

~~Assessment criteria where the standard is infringed:-~~

- ~~1. Any measures used to mitigate stormwater runoff; and~~  
~~2. The capacity of, and effects on, the stormwater network.~~

### S32AA Evaluation

194. In my opinion, the amendment to LLRZ-S8 is more appropriate in achieving the objectives of the plan than the notified provisions. I consider that:
- The change results in the permeability standard being appropriately located within the Three Waters Chapter. The change is more efficient and effective than the notified provisions in achieving the objectives of the plan.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### **5.30 LLRZ-S9: Onsite Services (P1 Sch1)**

#### **Matters raised by submitters**

195. The Tyers Stream Group [221.78] seek that the assessment criteria in LLRZ-S9 are deleted as they believe that the rule should not be able to be breached by applicants.
196. Fire and Emergency New Zealand [273.229] seeks that LLRZ-S9 is amended to require the provision of a firefighting water supply, and access to that supply, in accordance with NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
197. The Retirement Villages Association of New Zealand [FS126.42] and Ryman Healthcare Limited [FS128.42] made further submissions in opposition to Fire and Emergency New Zealand's submission point [273.229] seeking that it is disallowed as the Building Act 2004 already covers fire-fighting servicing and it is inappropriate to duplicate this in the PDP.

#### **Assessment**

198. I disagree with the submission point from the Tyers Stream Group on deleting the assessment criteria as they are the key means of evaluating and determining how any non-compliance with the standard is addressed.
199. I disagree with Fire and Emergency New Zealand's submission point [273.229] and agree with the Retirement Villages Association of New Zealand [FS126.42] and Ryman Healthcare Limited [FS128.42] further submission points as I am of the opinion that it is unnecessary to duplicate fire-fighting servicing in the PDP when it is already addressed in the Building Act 2004. This also aligns with the procedural principle in section 18A of the RMA that plans only include those matters relevant to the purpose of the Act.

#### **Summary of recommendations**

200. HS2-P5-Rec65: That submission points relating to LLRZ-S9 are accepted/rejected as detailed in Appendix B.
201. HS2-P5-Rec66: That LLRZ-S9 be confirmed as notified.

## **6.0 Proposed Additional LLRZ Provisions**

#### **Matters raised by submitters**

202. Fire and Emergency New Zealand [273.211] seek that a new rule is added to the LLRZ chapter making emergency service facilities a permitted activity. This is because new fire stations may be necessary in order to continue to achieve emergency response time commitments in areas where development occurs, and populations change.
203. Alan Fairless [242.23] seeks an addition of a new standard for sunlight provisions in the LLRZ.



## Assessment

204. I disagree with Fire and Emergency New Zealand submission point [273.211]. In particular I consider that a specific rule enabling emergency service facilities to be treated as a permitted activity could result in unintended consequences in the LLRZ. Noting the definition of 'emergency services facilities' at Part 1 of the PDP, I consider that such facilities have the potential to be large in scale. There are a number of potential adverse environmental effects associated with such buildings/structures and their use, including bulk, dominance and shading effects associated with the buildings, and noise and transport effects associated with the activities. These effects would potentially be out of keeping with the character of the receiving LLRZ environment. I note that while Fire and Emergency New Zealand seeks a permissive planning framework for emergency services facilities (across all zones), they have not provided an evidential basis for why these should be permitted activities. Consequently, I am of the opinion that requiring a resource consent to be obtained for these facilities as currently proposed is appropriate as it would enable a targeted assessment of related effects to be undertaken and suitable conditions imposed if an application is approved.
205. With respect to submission point 242.23, I note that the LLRZ already manages sunlight effects through the height in relation to boundary standard in LLRZ-S4. Consequently, I consider that the inclusion of further sunlight provisions to control sunlight access would be an unnecessary addition to the zone standards.

## Summary of recommendations

206. HS2-P5-Rec48: That the submission point for a new rule from Fire and Emergency New Zealand [273.211] be rejected.
207. HS2-P5-Rec66: That no further amendments to the standards, to include additional provision to control sunlight access in the LLRZ, are made.