

**OFFICER'S REPORT FOR:** District Plan Committee

**SUBJECT:** Proposed District Plan Change 12 -  
Amendments to Residential Provisions and  
Financial Contributions Chapter

**PREPARED BY:** Jane Black, Incite Ltd, Consultant Planner to  
Hutt City Council

**REPORT DATED:** 2 September 2009

**DATE OF HEARING:** 17 & 26 September and 2 October 2009

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### **EXECUTIVE SUMMARY**

As a result of a review of the residential activity areas under the City of Lower Hutt District Plan, a number of issues were identified. Proposed Plan Change 12 seeks to address these issues through either clarifying the intent or application of provisions relating to residential activity areas, or through adding new policy direction to the District Plan to address issues which were either unanticipated at the time of writing the District Plan or which have since emerged as important in Regional Policy Statements or through consultation.

The Plan Change was notified on 21 February 2009, with submissions closing on 27 March 2009. The summary of submissions was notified on the 19 May 2009, with further submissions closing on 19 June 2009.

A total of 138 original submissions and 16 further submissions were received on Plan Change 12. Submissions received seek various forms of relief, including but not limited to:

- retention/deletion/amendment of proposed provisions relating to accessory buildings, building length, yard requirements, recession planes, permeable surfaces, home occupations, childcare facilities, financial contributions, parking standards and residential development of three or more dwellings;
- retention/deletion/amendment of proposed design guides;
- retention/deletion/amendment of the proposed extension to the High Density Residential Area; and
- amendment of other existing residential provisions not addressed by the Plan Change; addition of new provisions; and removal of the Plan Change in its entirety.

A hearing on submissions received to Plan Change 12 is proposed to commence on 17 September 2009.

The following report recommends that the Council accept or reject the submissions and further submissions for the reasons as outlined under Part 4 of this report and that the Plan Change be amended in accordance with Attachment 1 of this report.

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## 1. **INTRODUCTION**

This report discusses and makes recommendations on submissions received in relation to Plan Change 12 - Amendments to Residential Provisions and Financial Contributions Chapter (hereafter referred to as the Plan Change).

The relevant provisions in the City of Lower Hutt District Plan (referred to as the District Plan) which are affected by the Plan Change include:

- Chapter 3 Definitions;
- Chapter 4A General Residential Activity Area;
- Chapter 4D Hill Residential Activity Area;
- Chapter 12 Financial Contributions; and
- Chapter 14A Transport.

Although this Report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 Report and associated Plan Change documents as publicly notified in February 2009.

## 2. **BACKGROUND**

The City of Lower Hutt District Plan became operative in March 2004. As set out under section 79(2) of the Act, District Plans are required to be reviewed no later than every 10 years. The Hutt City Council elected to undertake the review of its District Plan in components. The reasoning being to lessen the administrative burden of reviewing an entire District Plan within the statutory timeframes and to allow the public to comment on more manageable topics.

The first of these District Plan reviews involved the Residential Areas. This review covered all provisions, including the Issues, Objectives, Policies and Rules of the residential activity areas including: 4A General Residential; 4B Special Residential; 4C Historic Residential; 4D Hill Residential; and 4E Landscape Residential.

In reviewing these areas Council identified a number of issues that could be better accommodated in the District Plan. A number of reports document the outcomes of the review and the identification of issues and as such they form the background to purpose of the Plan Change.

The Plan Change addresses the following review issues:

- Higher density residential areas
- Comprehensive residential development
- Yard requirements
- Accessory buildings
- Recession planes
- Decks
- Building length
- Home occupations
- Child care facilities
- Permeable surfaces
- Courtyard/outdoor living areas

In addition the Plan Change addresses financial contributions in relation to reserves. In preparing the Plan Change the following consultation was carried out:

- Consultation with officers from various divisions in Council.
- Distribution of a Discussion Document in July 2008 which attracted 46 submissions;
- District Plan committee meeting hear submissions on the Discussion Document;

- Media release in July 2008; and
- Radio interview mid 2008.

Plan Change 12 was notified on 21 February 2009, with submissions closing on 27 March 2009. The summary of submissions was notified on the 19 May 2009, with further submissions closing on 19 June 2009.

A total of 138 original submissions and 16 further submissions were received with regard to the Plan Change.

### 3. **LIST OF SUBMITTERS**

The following submitters have lodged submissions on Plan Change 12:

<b>Name of Original Submitters</b>	<b>Submission Reference</b>	<b>Page #</b>
Nicholas Gabriel Ursin	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7	12,20,44,65,80,84
Michael Devine	2.1	10
Stuart Alan McMillan	3.1	105
Meryl & Christopher Savill	4.1	106
John Pfahlert	5.1, 5.2, 5.3, 5.4	9,20,28,33,37,39,55,74,89,110
Helen Vercoelen	6.1	37
Colin Herbert	7.1	33
J & D Bowles, K & R Whitmore & Others	8.1	48
Neil Cook McKenzie	9.1	86
Leonard Douglas Kane	10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9	14,20,22,28,71,100
Simon Byrne	11.1; 11.2	12,16
Wigley & Roberts Ltd	12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7	9,15,20,29,39,66,89
Kenneth & Belita Pereira	13.1; 13.2; 13.3; 13.4; 13.5; 13.6; 13.7; 13.8; 13.9	14,20,22,28,71,100
Denise Gluyas	14.1	90
Anne Alexandra Williamson	15.1	75
Colleen Hurley	16.1	48
Norman Hickmott	17.1	48
Lorna Lovegrove	18.1	48
Claire Lane	19.1	48
Eleanor Wright	20.1	48
Lance Rairi	21.1	48
Claire Jackson	22.1	66
James Michael Pryor	23.1	100
Christine Viggars	24.1	9
Mrs Shanti Gandhi	25.1	90
Mr Babubhai Nagin Gandhi	26.1	90
Housing New Zealand Corporation	27.1; 27.2; 27.3; 27.4; 27.5; 27.6; 27.7; 27.8; 27.9; 27.10; 27.11; 27.12; 27.13	9,15,20,23,28,33,39,55,71,75,79, 81
Jim McKenzie	28.1; 28.2; 28.3	22,28,33
Avison Family Trust	29.1	102
Debbie Summers	30.1; 30.2	28,34
Brian Froggatt	31.1	90
Maungaraki Community Association	32.1; 32.2; 32.3; 32.4; 32.5	14,23,55,100,116
Christopher Hay	33.1; 33.2; 33.3; 33.4	55,75,90,113

Sean Irion	34.1; 34.2; 34.3; 34.4	15,23,28,33
Trevor James O'Connor	35.1	33
Karen Lee Ewart	36.1	33
Peter James Forde	37.1	90
Michelle Faye Loader	38.1	33
Marguerite Elizabeth Bennett	39.1	99
Tyrell Close (Dan Jackson) & Kathryn Wylie	40.1	66
Ian & Rosemary Humphrey	41.1	90
Ron McIvor	42.1; 42.2	29,103
Henry Steele	43.1; 43.2; 43.3; 43.4; 43.5; 43.6; 43.7	37,39,56,75,80,84,90
Irene Davis	44.1	102
Lorna Adair Taylor	45.1	90
Gavin Bateson	46.1; 46.2	28,90
Kevin Collins	47.1; 47.2; 47.3; 47.4; 47.5; 47.6; 47.7; 47.8; 47.9; 47.10; 47.11; 47.12; 47.13	15,17,23,29,34,38,55,75,107,110
Rene Lock	48.1	10
Ken Jackson	49.1	66
Megan Ellen Powell	50.1; 50.2	49,71
Helen Alexander Bruce	51.1	116
Waiwhetu Stream Working Group	52.1; 52.2; 52.3; 52.4; 52.5; 52.6; 52.7; 52.8; 52.9; 52.10; 52.11	38,39,56,81,84,90,113
Wendy Roberts	53.1	91
A & J Stevens	54.1; 54.2	91,110
Matthew Amos	55.1	91
The Catholic Schools Board Ltd	56.1	110
Ontrack	57.1; 57.2; 57.3; 57.4; 57.5; 57.6; 57.7; 57.8; 57.9	49,56,75,81,84,91,110
Sunil Vadnerkar	58.1	91
Beverley Anne Tyler	59.1; 59.2; 59.3; 59.4	28,34,91,108
East Harbour Environmental Association Inc	60.1; 60.2; 60.3; 60.4; 60.5; 60.6; 60.7; 60.8; 60.9; 60.10; 60.11; 60.12	12,17,21,22,28,33,40,53,56,71,76,91
Bernard Anton Hiestand	61.1	100
R C Moore	62.1	91
Philip Deere	63.1	116
Lesley Sutherland	64.1	76
Lawrence Sutherland	65.1	76
Nada & Paolo Ryan	66.1	76
Clayton J Davison	67.1	76
Roderick and Elizabeth Gillespie	68.1	10
Nicola Bray	69.1	10
Alex Edmonds	70.1	10
Sarah and Steven Williams	71.1	102
Dorothy Frances Fox	72.1	92
Desmond and Judith Bowles	73.1	10
Ronda Coyle	74.1	10
Cheryl McCullagh	75.1	66
Andrew Curran	76.1	102
Alicetown Community Association	77.1	103
Geraldine Mary Laing	78.1; 78.2; 78.3; 78.4	24,44,92

Graeme Lester Lyon	79.1; 79.2; 79.3; 79.4; 79.5; 79.6; 79.7; 79.8; 79.9; 79.10; 79.11; 79.12	22,29,33,38,40,45,49,56,71,79, 81,116
Regional Public Health	80.1; 80.2; 80.3; 80.4; 80.5 80.6; 80.7; 80.8; 80.9 ;80.10	40,50,56,76,81,84
Kathleen & John Yardley	81.1	116
Steve & Jill Douglas	82.1	33
Kylie Mason	83.1; 83.2; 83.3; 83.4; 83.5 83.6; 83.7; 83.8; 83.9; 83.10; 83.11; 83.12; 83.13; 83.14; 83.15; 83.16; 83.17	12,17,22,34,40,45,50,53,66,72,81,92,104, 108,110
Gerard Bourke & Trish Coley	84.1	76
Cuttriss Consultants	85.1; 85.2; 85.3; 85.4; 85.5; 85.6; 85.7; 85.8; 85.9; 85.10; 85.11; 85.12; 85.13; 85.14; 85.15; 85.16; 85.17; 85.18; 85.19; 85.20; 85.21; 85.22; 85.23; 85.24; 85.25	12,15,17,23,29,33,40,45,50,57,66,72,74, 76,79,81,86,108,114, 117
Alan Wilmore Webb	86.1	117
Quadrille Construction Ltd	88.1	12
Cardno TCB	89.1; 89.2; 89.3; 89.4; 89.5; 89.6; 89.7; 89.8; 89.9; 89.10; 89.11; 89.12; 89.13; 89.14; 89.15	15,20,23,28,33,40,53,58,66,72,74,79,81, 108
Stephen James Penno	90.1; 90.2	58,92,
New Zealand Institute of Surveyors	91.1; 91.2; 91.3; 91.4; 91.5; 91.6; 91.7; 91.8; 91.9; 91.10; 91.11	15,17,20,23,28,34,41,53,66,71,76
Simon Brown	92.1	33
Kathryn and Terry McGavin	95.1	100
Jane Johnston	96.1; 96.2; 96.3; 96.4; 96.5; 96.6; 96.7; 96.8; 96.9; 96.10; 96.11; 96.12; 96.13	15,28,33,38,41,58,66,71,74,92, 106
NZ Transport Agency	97.1; 97.2; 97.3; 97.4	9,58,72,117
Richard William Perry	98.1	10
Petone Planning Action Group	99.1; 99.2; 99.3; 99.4; 99.5; 99.6; 99.7; 99.8; 99.9; 99.10; 99.11; 99.12; 99.13; 99.14	21,22,29,33,38,41,45,49,71,79,81,104,111
Ruth Fletcher	100.1; 100.2; 100.3; 100.4; 100.5; 100.6; 100.7; 100.8	17,22,28,33,38,54,58,72
R J & B M Deller	101.1; 101.2; 101.3; 101.4	28,33,38,104
Gaye Langridge	102.1; 102.2; 102.3; 102.4; 102.5; 102.6	22,38,41,50,58,79
Tui Lewis	103.1; 103.2; 103.3; 103.4; 103.5; 103.6; 103.7	22,38,41,51,59,79
Chilton Saint James School	104.1; 104.2; 104.3; 104.4	59,72,108,111
Brian Thomas Desmond	105.1	66
Holmes David Ltd	106.1	24
Thomas Glendwyr Gardner Evans	107.1	9
John & Julie Martin	108.1	66
Emerson & Ruth Willard	109.1; 109.2; 110.1	28,34,22
Elizabeth Grace Tan and Poh-Khean Tan	111.1; 111.2	22,28
Elizabeth & Clarence Goodhue	112.1; 112.2	22,28
B Hogan	113.1	59
Dave Holey	114.1	10
Greater Wellington Regional Council	115.1; 115.2; 115.3; 115.4; 115.5; 115.6; 115.7; 115.8; 115.9; 115.10	41,59,82,85,87,93
Lisa Sharron Heberley	116.1	23

Nigel Oxley & Fiona Christeller	117.1; 117.2; 117.3; 117.4; 117.5; 117.6; 117.7; 117.8; 117.9; 117.10; 117.11; 117.12; 117.13; 117.14	17,30,34,41,45,54,82,111,117
James Arthur Juno	118.1	23
Belinda Jane Burgess	119.1	23
Dave Steven Heberley	120.1	23
K.J Hawley & John Langford	121.1	10
Linda Margaret Mead	122.1	35
Hugo and Eva van Stratum	123.1	104
The Masonic Villages Trust	124.1	111
Frances Geraldine Baldock	125.1	93
St. Oran's College	128.1	117
Grant Roberts	132.1; 132.2; 132.3; 132.4	21,22,41,93
Holly Fung	133.1	101
Kusel Family Trust	134.1	102
Roger Bagshaw	135.1; 135.2; 135.3	42,60,79
Margaret & David Kennedy	136.1	48
Bob Gillies	137.1	48
David Service	138.1	48
Ruth Margaret Gilbert	139.1; 139.2; 139.3; 139.4; 139.5	14,21,28,33,72
Nick Miller	140.1	93
Timothy Power	145.1	93
Eastbourne Community Board	146.1	117
Violet Mavis Walshe	147.1	93
James McTaggart	148.1	117
Sue Lafrentz	149.1; 149.2; 149.3; 149.4; 149.5; 149.6; 149.7	21,22,28,35,38,42,111
Jeff Downs	150.1; 150.2; 150.3; 150.4	9,23,37,54

Name of Further Submitters	Submission Reference	Page #
Winstone Aggregates	154.1; 154.2; 154.3	12
Lesly Sutherland	155.1	76
Lawrence James Sutherland	156.1	114
Neil McGrath	157.1	29
Neil McGrath	158.1	15
Neil McGrath	159.1	15
Neil McGrath	160.1	89
Mrs. Agnes McNab	161.1	114
Mr Angus Gibb	162.1	114
G M Laing	163.1; 163.2; 163.3	45
Agenda Development Planning Ltd	164.1; 164.2; 164.3; 164.4; 164.5; 164.6; 164.7; 164.8	115
Cardno TCB	165.1	29
Justina Hart-Scott	167.1; 167.2; 167.3; 167.4; 167.5; 167.6; 167.7; 167.8; 167.9; 167.10; 167.11; 167.12; 167.13; 167.14; 167.15; 167.16; 167.17	49,50,71
Alexander James Connor	168.1	91
Tom Bennion	170.1, 170.2, 170.3, 170.4, 170.5, 170.6, 170.7, 170.8, 170.9, 170.10, 170.11, 170.12, 170.13, 170.14,	21,23,29,34,38,41,45,49,58,71,79,81,104, 111
Regional Public Health	171.1; 171.2	57,87

#### 4. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

The following sections of this Report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.

The submissions are addressed in groups based on issues or concerns raised and where the content of the submissions is the same or similar. In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within [square brackets]. In summarising further submissions, the name of the further submitter is shown in **bold italics**, with their submission number shown in italics within [square brackets].

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

Attached to this report as Attachment 1 are the revised amendments to the District Plan provisions further to the recommendations contained in this report. Where there is any inconsistency between the provisions contained in Attachment 1 and amendments made by the Recommendations below, then the provisions in Attachment 1 shall be considered correct.

Where changes are recommended as a result of submissions, the effectiveness and efficiency of such changes has been assessed in accordance with the requirements of Section 32 of the Resource Management Act, in making that recommendation.

Where a submission is determined to be outside the scope of the Plan Change it has been recommended that the submission be rejected. With respect to determining the scope of a submission reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*"6. Making submissions*

*Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5."*

A submission on a plan change is therefore limited in that it must be "on" the plan change.

In the case of Plan Change 12 the purpose of the Plan Change was to address issues raised through the review of the residential activity areas. The issues addressed in Plan Change 12 were related to:

- Higher density residential areas
- Comprehensive residential development
- Yard requirements
- Accessory buildings
- Recession planes
- Decks
- Building length
- Home occupations
- Child care facilities
- Permeable surfaces
- Courtyard/outdoor living areas

Accordingly, for a submission to be deemed to within the scope of Plan Change 12 the submission must relate to:

- Any one of the issues addressed in the Plan Change and detailed above; and
- Any other change to the District Plan as a result of the Plan Change.



## 4.1. SUPPORT

### 4.1.1. General Support

#### Submission

**John Pfahlert** [5.4], **Wigley & Roberts Ltd** [12.1], **Christine Viggars** [24.1], **Housing New Zealand Corporation** [27.1], **NZ Transport Agency** [97.1], **Thomas Glendwr Gardner Evans** [107.1], and **Jeff Downs** [150.4] submit general support for the Plan Change.

John Pfahlert also specifically supports: deletion of reference to comprehensive residential developments; removal of minimum site area where 3 or more dwellings are proposed; proposed recession plane; increasing site coverage to 40%; reducing setbacks to 1m; and the introduction of design guides.

**Wigley & Roberts Ltd** also specifically supports the proposed amendment of the building definition and provisions relating to building length, recession planes, site coverage, permeable surfaces, home occupations, childcare facilities, the Design Guide, parking standards and development of 3 or more units.

Christine Viggars considers that in order for the Hutt Valley to grow and develop to meet the needs of residents it is vital that the change be adopted.

Housing New Zealand Corporation believes that the amendments would result in higher quality urban design and amenity.

NZ Transport Agency submits that overall the Plan Change is aligned with the NZ Transport Strategy, Government Policy Statement on Land Transport Funding, and Wellington Regional Land Transport Strategy for growth within Hutt City.

Jeff Downs is supportive of the reasons and recommendation stated in the Section 32 report and seeks that the Council proceed with the proposed Plan Change.

Thomas GG Evans supports the provisions with minor wording changes.

#### Discussion

Supporting submissions support the Plan Change as notified. While this report recommends some changes in response to other points of submission, in general it recommends that the intent and concepts of the Plan Change be adopted as notified.

Justification for the Plan Change and reasons for the recommended changes are provided throughout the report and in the notified Section 32 report. From this it has been concluded that the Plan Change, including recommended changes, is appropriate in terms of achieving the purpose of the Resource Management Act.

Accordingly it is recommended that the submissions be accepted in part, taking into consideration the recommendations made to amend the Plan Change as sought by other points of submission.

#### Recommendation

That the submissions of **John Pfahlert** [5.4], **Wigley & Roberts Ltd** [12.1], **Christine Viggars** [24.1], **Housing New Zealand Corporation** [27.1], **NZ Transport Agency** [97.1], **Thomas Glendwr Gardner Evans** [107.1] and **Jeff Downs** [150.4] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to retaining and implementing the Plan Change as recommended in this report. Those parts of the submissions which are not recommended to be accepted relate to making amendments to the Plan Change as recommended in this report.

## Reason

Some amendments to the Plan Change provisions are recommended within this report, however the Plan Change intent and concept as notified remains unchanged and is considered the most appropriate in terms of achieving the purpose of the Act.

## 4.2. OPPOSITION

### 4.2.1. General Opposition

#### Submission

**Michael Devine** [2.1], **Marguerite Elizabeth Bennett** [39.1], **Rene Look** [48.1], **Roderick and Elizabeth Gillespie** [68.1], **Nicola Bray** [69.1], **Alex Edmonds** [70.1], **Desmond and Judith Bowles** [73.1], **Ronda Coyle** [74.1], **Richard William Perry** [98.1], **Dave Holly** [114.1] and **K.J Hawley & John Langford** [121.1] submit general opposition for the Plan Change.

Michael Devine opposes the intention to allow housing to be built on smaller sites. There would be social costs and at present Lower Hutt has substantial land to be built on. Considers Council does not need to take this step at this stage.

Marguerite Elizabeth Bennett does not agree with any changes that lead to smaller sites, greater building coverage, change to accessory buildings, or extension of higher density residential areas. These changes add stress to stormwater, water table and the valley environment. She seeks that the Council keep the present status quo.

Rene Look submits that the City will no longer look like a garden city but a clutter and seeks that the Council turn down the proposed Plan Change.

Roderick and Elizabeth Gillespie would like Council to take a step back and reconsider the Plan Change. They rely on Council to produce a Plan which protects amenities and allows the City to grow, while maintaining an environment in which they wish to live and work. Plan Change 12 is severely flawed in that: the extent of higher density zone is too great; potential to severely adversely affect neighbouring properties; zonings seem randomly drawn with often no buffer zones between differing residential zones; not convinced that the stormwater and sewage disposal infrastructure is capable of coping with development of this type and magnitude.

Nicola Bray seeks that the Council review or rescind the proposals. Ms Bray submits that the Plan Change will afford little protection to residents, will drastically affect the appearance and character of the City and is dismayed at the extent of the proposed higher density area. She considers negative impacts of the Plan Change relate to: runoff; provision of services; vegetation cover; increased traffic and noise; loss of privacy; and increased pressure on car parking.

Alex Edmonds seeks that the Council not proceed with the proposed changes. Mr Edmonds believes the changes would be a backward step and that infill housing results in built up, shoddy, undesirable housing where residents are subject to problems such as shared driveways, insufficient privacy, overloaded services, and lack of play areas for children.

Desmond and Judith Bowles seek wider in-depth community consultation, a higher degree of protection of amenity values and reduction of the scale of area to protect existing amenity values. They submit that there are issues with close living such as lack of parking, shading, noise, and lack of privacy which cannot be mitigated. They consider that high density living should be stopped until a definite demand dictates such a huge area of zone alteration.

Ronda Coyle seeks that the Plan Change not go ahead. Ms Coyle opposes the provision for high density housing and considers that more consultation within the affected areas is necessary and that the impact to the community, culture, and services needs to be thoroughly researched and assessed.

Richard William Perry objects to all aspects of the change which liberalise controls allowing an increased density of residential housing, including: increase in site coverage; reduction in side yards; encroachment of accessory building into side yard; liberalisation of building envelope planes; and amendment to home occupation exception. Grounds for objection include: increased density conflicts with historical cultural needs of the majority of citizens; increased density will be destructive of the cities heritage as a garden residential city; higher density housing does not provide for needs of most families and triggers social problems; liberalisation of site coverage controls permits larger homes but does not necessarily create increase in population; increased density creates excessive stress on infrastructure; and increased density does not ease traffic congestion. They seek that high density goals be met by apartment and townhouse construction in locations that will not adversely affect existing residential areas – Riverside and Greenfields areas.

Dave Holly seeks from Council a fair and equitable decision. Mr Holly submits that natural daylight and current amenity values be preserved.

K.J Hawley & John Langford seek that the current provisions be retained. They consider that the Plan Change would destroy the special residential character of Lower Hutt.

### **Discussion**

While this report recommends some changes to the Plan Change in response to other points of submission, in general it recommends that the intent and concepts of the Plan Change be adopted as notified.

Justification for the Plan Change and reasons for the recommended changes are provided throughout the report and in the notified Section 32 report. In particular, discussion in this report regarding high density/infill housing is addressed under 4.17.2 below and regarding the extension of the Higher Density Residential Areas and related stormwater and amenity impacts under 4.18.2 below.

From this it has been concluded that the Plan Change, including recommended changes, is appropriate in terms of achieving the purpose of the Resource Management Act.

### **Recommendation**

That the submissions of **Michael Devine** [2.1], **Marguerite Elizabeth Bennett** [39.1], **Rene Look** [48.1], **Roderick and Elizabeth Gillespie** [68.1], **Nicola Bray** [69.1], **Alex Edmonds** [70.1], **Desmond and Judith Bowles** [73.1], **Ronda Coyle** [74.1], **Richard William Perry** [98.1], **Dave Holly** [114.1] and **K.J Hawley & John Langford** [121.1] be rejected.

### **Reason**

Some amendments to the Plan Change provisions are recommended within this report, however the Plan Change intent and concept as notified remains unchanged and is considered the most appropriate in terms of achieving the purpose of the Act.

## **4.3. ACCESSORY BUILDINGS**

### **4.3.1. Definition**

#### **Submissions**

**Nicholas Gabriel Ursin** [1.1] supports the amendment and seeks that spa pools be excluded from the definition of accessory building particularly a portable spa or if it is not fixed or part of a structure.

**Simon Byrne** [11.1] supports the amendment as it clarifies the status of sleep outs and aligns the definition with court decisions which have determined that sleep-outs are not accessory buildings as they are not incidental to the associated dwelling.

**East Harbour Environmental Association Inc** [60.1] questions whether the definition should restrict accessory buildings to single storey structures. They oppose multi-storey accessory buildings, especially if they are located on a boundary.

**Kylie Mason** [83.8] considers that the definition needs to be amended as by excluding habitable rooms, sleep outs and rumpus rooms attached to a garage essentially become non-complying which seems too strict.

**Winstone Aggregates** [154.1] *opposes the submission by Kylie Mason to amend the definition of accessory building to include habitable rooms and for a new definition for habitable room. It would allow for accessory buildings to provide for sensitive residential accommodation to establish in close proximity to aggregate extraction and processing operations such as around Belmont Quarry.*

**Cuttriss Consultants** [85.1] supports the change but consider that it is not explained clearly enough why an accessory building can't include a habitable room such as a bedroom but without a kitchen and bathroom which would make it an independent dwelling. Otherwise they support the change.

**Winstone Aggregates** [154.2] *opposes the submission by Cuttriss Consultants to amend the definition of accessory building to include habitable rooms and for a new definition for habitable room. It would allow for accessory buildings to provide for sensitive residential accommodation to establish in close proximity to aggregate extraction and processing operations such as around Belmont Quarry.*

**Quadrille Construction Ltd** [88.1] supports the amendment but seeks a definition of habitable room, space or building. Clarity would enable certainty in decision making for households wishing to create an extra living space. Advise a sleep-out with amenities such as a toilet, hand basin and shower are permissible for an accessory building. The addition of cooking facilities could promote the space to an additional residential building.

**Winstone Aggregates** [154.3] *opposes the submission by Quadrille Consultants to amend the definition of accessory building to include habitable rooms and for a new definition for habitable room. It would allow for accessory buildings to provide for sensitive residential accommodation to establish in close proximity to aggregate extraction and processing operations such as around Belmont Quarry.*

### **Discussion**

The Plan Change proposes to amend the definition of Accessory Building to exclude any habitable room. Submissions received with regard to the proposed amendment generally support the change or alternatively seek amendment to it.

Reasons for support include that the amendment clarifies the status of sleep outs and aligns the definition with court decisions.

The majority of submissions however question the meaning of habitable room and what it includes and excludes. For example does it mean a bedroom but with or without a kitchen, toilet, shower or is it essentially additional residential accommodation. Some submissions have consequently sought that a definition or explanation of habitable room be included in the District Plan.

A further submission was however received which opposed the requests to define and explain habitable rooms and consequently (in their interpretation) allow residential accommodation within the definition of accessory building.

There was also a question from a submitter as to whether the accessory building definition should restrict accessory buildings to single storey structures, especially where they are located on a boundary.

Finally, it was also sought that spa pools be excluded from the definition of accessory building.

From submissions received it is evident that there are various interpretations and confusion associated with the meaning of habitable room. Particularly, whether the meaning relates solely to an additional and detached bedroom or space that could be used for sleeping, such as a sleep out or rumpus room, or whether it extends to include a separate liveable space with associated amenities such as a bathroom.

The intention of the Plan Change was to prevent stand-alone residential accommodation and units being provided on a site in addition to the principal dwelling house through the definition of an accessory building. The intention was not to exclude detached spaces additional to the principal dwelling, such as a sleep-outs and rumpus rooms, from being provided on a site as an accessory building. Through the use of the term 'habitable room' the intention however has not been effective.

It is considered that it is not a matter of what is individually provided in the additional space (i.e. only a bathroom or only a kitchen) but the intent and nature of the activity. There is a considerable difference in the nature and extent of potential effects between the provision of a detached additional bedroom/sleep-out/rumpus room on a site and an additional residential accommodation or residential unit. Additional detached rooms (bedroom/sleep-out/rumpus room) are clearly incidental to the activity of the principal dwelling on the site and as a result do not create adverse effects that can be associated with dwelling houses, such as additional carparking requirements, traffic movements, and pressure on Council infrastructure and services.

Consequently, to avoid further confusion and misinterpretations it is recommended that the term 'habitable room' be deleted from the definition of Accessory Building and replaced with the term 'self-contained residential accommodation'. This amendment will ensure that the intention of the Plan Change is effective and clearly understood. The amendment is also consistent with the District Plan definition for Dwelling House.

In regard to submissions which seek that accessory buildings be restricted to single storey structures, it is noted that due to bulk and location controls and the general nature and positioning of accessory buildings, it is not common for accessory buildings to be more than single storey near site boundaries. Specifically, the recession plane control is effective in controlling the height of accessory buildings where located close to or near a site boundary. To retain the usability and efficiencies of a site it is very common for accessory buildings to be located in close vicinity to the site boundaries. If however an accessory building which was greater than a single storey were to be set back from the boundary the potential effects (bulk and scale) of this building would be no different to that of a principal dwelling.

In terms of potential bulk effects it is therefore difficult to differentiate between a principal building and an accessory building. As a result it is not considered necessary to restrict the height of accessory buildings to a single storey and it is therefore recommended that no change be made to the Plan Change to this effect.

With respect to the submission received relating to spa pools, it is not considered appropriate to exclude spa pools from the definition of accessory building. If spa pools were to be excluded from this definition they would then, by default, fall within

the definition of 'building'. This would result in more restrictive controls being applied to these structures which is not considered necessary or suitable. Further, it is considered that spa pools accurately fit the criteria of an accessory building, as they are incidental to the principal building on the site. As such with respect to spa pools, it is recommended that the definition be retained as proposed in the Plan Change.

### **Recommendation**

That the submissions of **Nicholas Gabriel Ursin** [1.1] and **East Harbour Environmental Association Inc** [60.1] be rejected.

That the submissions of **Simon Byrne** [11.1], **Kylie Mason** [83.8], **Cuttriss Consultants** [85.1] and **Quadrille Construction Ltd** [88.1], and further submissions of **Winstone Aggregates** [154.1], [154.2] and [154.3] be accepted in part and that the Plan Change be amended as follows:

### **3 Definitions**

**Accessory Building:** *a building not being part of the principal building on the site, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building is erected, it is a building accessory to the use of the principal building permitted on the site. This includes a tool shed, playroom, recreation room, glasshouse, swimming pool and spa pool, but excludes ~~any habitable room~~ self-contained residential accommodation and in rural activity areas will include buildings accessory to rural land uses.*

Those parts of the submissions that are recommended to be accepted relate to clarifying the meaning of the term habitable room and excluding additional stand-alone residential accommodation from being provided on a site. Those parts which are not recommended to be accepted relate to providing a definition for habitable room.

### **Reasons**

- The intention of the Plan Change was to provide clarity and prevent stand-alone residential accommodation and units being provided on a site in addition to the principal dwelling house through the definition of accessory building. It was not the intention to exclude detached spaces additional and ancillary to the principal dwelling, such as sleep-outs and rumpus room.
- Due to bulk and location controls and the general nature and positioning of accessory buildings it is not considered necessary to restrict the height of accessory buildings to a single storey.
- It is not considered appropriate to exclude spa pools from the definition of accessory building, as spa pools accurately fitting the criteria of an accessory building.

#### **4.3.2. Rule 4A2.1.1(b)(v) – Accessory building in one yard**

##### **Submissions**

**Leonard Kane** [10.2], **Kenneth & Belita Pereira** [13.2], **Maungaraki Community Association** [32.3] and **Ruth Margaret Gilbert** [139.2] oppose allowing an accessory building in one yard.

Leonard Kane and Kenneth & Belita Pereira state that they consider their privacy will be compromised if the amendment goes through.

The Maungaraki Community Association is concerned with the effects on sloping land, with the potential to cause considerable problems such as blocking of views.

Ruth Margaret Gilbert states that it could have an adverse effect on adjoining properties and make the appearance of higher density where this was not intended.

**Wigley & Roberts Ltd** [12.3], **Housing New Zealand Corporation** [27.5], **Sean Irion** [34.2], **Cuttriss Consultants** [85.10], **Cardno TCB** [89.5], **New Zealand Institute of Surveyors** [91.5] and **Jane Johnston** [96.12] support the amendment allowing an accessory building within one yard.

Housing New Zealand states that the amendment provides for additional flexibility and may be useful in ensuring good quality site design.

***Neil McGrath** [159.1] opposes the submission by Wigley and Roberts and seeks that the side and rear yards be 1.5m. Removal of yard restrictions prevents management of adverse effects caused by their construction on or close to boundaries and is contrary to the objective of 4A1.2.1.*

**Kevin Collins** [47.5] opposes accessory buildings being built on boundaries and seeks a 1m minimum yard requirement for accessory buildings up to 6m in length. He states that the proposed rule was used prior to the 1995 District Plan and it caused a lot of trouble.

***Neil McGrath** [158.1] supports the submission by Kevin Collins subject to the side yard requirements remaining at 1.5m. Effects upon privacy, amenity and adjoining trees should each be considered on its effects. Administration convenience is not a valid reason.*

### **Discussion**

The Plan Change results in the amendment of Rule 4A2.1.1(b) Minimum Yard Requirements to allow one accessory building to be located in one yard (except front yards), provided that it does not extend more than 6m along the length of the boundary. Prior to the amendment accessory buildings were required to comply with all yard requirements, specifically 1.5m side and rear yard setbacks.

Amendment of Rule 4A1.2.1(g) Explanation and Reason – Accessory Buildings is also proposed for consistency.

Submissions were received both in support and opposition to the change. A submission in support states that the amendment provides for additional flexibility and may be useful in ensuring good quality site design. Reasons for opposition included concern for effects on sloping land, such as blocking of views, concern that privacy will be compromised, potential for adverse effects on adjoining properties and the potential for an appearance of higher density where this was not intended.

A submission from Marguerite Elizabeth Bennett [39.1] in general opposition to the Plan Change (referred to section 4.2.1 of this report) also notes opposition to the change relating to accessory buildings.

A submission was also received which sought that a 1m minimum yard requirement be applied for accessory buildings up to 6m in length. Reasons include that the proposed rule was used prior to the 1995 District Plan and it caused a lot of trouble.

The amendment has been proposed as it was considered that, with respect to accessory buildings, the yard provisions were restrictive and did not permit landowners to achieve the most efficient use of their site.

Further, due to the general nature and extent of accessory buildings and other bulk and location controls, such as the recession plane control, potential adverse effects on adjoining properties are likely to be *de minimis* or less than minor.

Specifically, the recession plane control is effective in controlling the height of buildings where they are located close to or abutting a site boundary. With the implementation of the recession plane control, accessory buildings abutting a site boundary can only be approximately 2.5m in height, and 3.5m in height where setback 1m. This is effective in mitigating potential adverse shading effects on adjoining properties.

In addition, to ensure potential effects resulting from building bulk are appropriately mitigated, it is also proposed to restrict the length of the accessory building along the boundary to 6m.

As a result of the control over the length and height of accessory buildings along site boundaries, it is considered that potential adverse effects on adjoining properties will be less than minor. Consequently the proposed amendment of Rules 4A1.2.1(g) and 4A2.1.1(b) are considered appropriate and thus no further amendment is recommended.

### **Recommendation**

That the submissions of **Leonard Kane** [10.2], **Kenneth & Belita Pereira** [13.2], **Maungaraki Community Association** [32.3], **Kevin Collins** [47.5] and **Ruth Margaret Gilbert** [139.2], and further submissions of **Neil McGrath** [159.1] and [158.1] be rejected.

That the submissions of **Wigley & Roberts Ltd** [12.3], **Housing New Zealand Corporation** [27.5], **Sean Irion** [34.2], **Cuttriss Consultants** [85.10], **Cardno TCB** [89.5], **New Zealand Institute of Surveyors** [91.5] and **Jane Johnston** [96.12] be accepted.

### **Reasons**

- Prior to the amendment, yard provisions for accessory buildings were restrictive and did not permit landowners to achieve the most efficient use of their site.
- Through the implementation of controls on the length and height of accessory buildings along site boundaries, potential adverse effects of the amendment on adjoining properties will be no more than minor.

## **4.4. BUILDING**

### **4.4.1. Definition**

#### **Submissions**

**Nicholas Gabriel Ursin** [1.2] requests that the existing exclusion for decks in the building definition be retained with the height amended to 1m. He states that introducing a lower deck height level when there was previously a higher level will make the new provisions un-workable as people will argue that their deck was existing prior to the Plan Change and this will lead to costly disputes.

**Simon Byrne** [11.2] supports the proposal that small low decks should generally not form part of site coverage. However the wording is too vague and may potentially lead to difficulty in interpretation and unintended exploitation of the rule. It is requested that the wording be changed as follows:

*“One or more deck less than 500mm in height and where uncovered parts of the deck are not to exceed a total area of 50m<sup>2</sup> (such decks can be physically attached to other buildings).”*

It is further suggested that the definition be amended to exclude low rails of approximately 1m in height as this can cause the deck to become part of the site coverage which does not seem logical.



**East Harbour Environmental Association Inc** [60.2] and **Kylie Mason** [83.2] support the change to the definition in relation to decks.

**Kevin Collins** [47.2] seeks that steps and stairs be excluded from the definition of building no matter how high the deck is. They would therefore be excluded from site coverage and yard requirements.

**Cuttriss Consultants** [85.2] requests that the height limit of decks be increased to 1m provided that it is not closer than 2m to a boundary. This would mean if a deck was over 1m it would be subject to yard setbacks and site coverage requirements which is considered to be more reasonable.

**Cardno TCB** [89.1] and **New Zealand Institute of Surveyors** [91.1] request that the definition of building exclude retaining walls up to 1.5m height (rather than 1.2m) and decks less than 1m (rather than 500mm). A threshold of 1.5m for retaining walls is consistent with the requirements of the Building Act and the threshold used by other territorial authorities.

**Ruth Fletcher** [100.2] seeks that the existing definition be retained and amended by removing the area requirement, providing explanatory notes regarding barrier rails to decks, and further reviewing the definition of building with regard to fences as it impacts on statements relating to site cover and maximum length. It does not seem reasonable to require fence areas to be measured or limited.

**Nigel Oxley & Fiona Christeller** [117.1] request that the definition be revised to allow for standard construction methods and clearances as required by the Building Code and to come into alignment with the provisions for work not requiring a Building Consent. It is sought that the proposed definition be amended to exclude decks less than 1000mm in height.

**Nigel Oxley & Fiona Christeller** [117.9] request that the definition of Building is clarified in terms of 'temporary' and 'moveable', and that the list of exclusions be extended. The definition of Building within the District Plan and the Building Act includes decks and other garden improvements such as pergolas, arbours, seating and fishponds. This may not be the intention of the District Plan and needs to be addressed.

### **Discussion**

The Plan Change proposes to amend the definition of Building by removing the exclusion for all structures less than 1.2m in height and 20m<sup>2</sup> in area from the definition and replacing this with an exclusion for decks less than 500mm in height.

The amendment of the building definition has a flow-on effect with regard to provisions for yard requirements and building coverage and what structures and decks are included and excluded in these standards.

Submissions received on the Plan Change both support the proposed amendments to the definition and seek further amendment to it. The following amendments are sought to the definition of building:

- That the existing exclusion for decks be retained, with amendment of the height to 1m.
- That the height limit of decks be increased to 1m provided that it is not closer than 2m to a boundary.
- That the definition exclude retaining walls up to 1.5m height (rather than 1.2m) and decks less than 1m (rather than 500mm).
- That the proposed exclusion of decks less than 500mm in height be retained, with amendment that uncovered parts of the deck are not to exceed a total area of 50m<sup>2</sup>.

- That the existing definition be retained and amended by removing the area requirement, providing explanatory notes regarding barrier rails to decks, and further reviewing the definition of building with regard to fences as it impacts on statements relating to site coverage and maximum length.
- That the definition be amended to exclude low deck rails of approximately 1m in height.
- That steps and stairs be excluded from the definition of building no matter how high the deck is.
- That the definition be clarified in terms of 'temporary' and 'moveable', and that the list of exclusions be extended.

The intention of the proposed Plan Change amendment to the definition of Building was to make the exclusion relating to decks more workable, practical and efficient. It was found that the combination of the restriction on deck height and area was triggering non-compliances that were in fact de minimis in terms of adverse effects.

Potential adverse effects that can result from the presence of decks include effects on neighbouring properties privacy and general amenity. Such effects are generally created from the location of decks in relation to site boundaries and the height of these decks. The area of a deck was found to have little impact on adverse effects on its own.

For these reasons the restriction on the area of decks was removed in the Plan Change and the height for excluded decks was reduced from less than 1.2m to less than 500mm.

In respect of decks this amendment is still considered appropriate. A height of up to 1m as requested by submissions is not considered appropriate as it has the potential to create adverse effects. A number of submitters have raised the point that the Building Act controls decks greater than 1m and that the proposed Plan Change amendment is inconsistent with this. It is however not considered necessary and always appropriate to make the District Plan consistent with the requirements of the Building Act. The two documents have quite different intentions and control different aspects of development – the Building Act controlling the structural aspects and the District Plans implementing sustainable management of resources.

As one of the intentions of the proposed Plan Change was to ensure that the District Plan provisions are clear, efficient and user friendly, it is not considered appropriate to amend the deck height to 1m with an additional proviso that it not be within 2m of a boundary. This may conflict with the yard requirement provision and adds another restriction for proposals, where the same, if not a better, outcome can be achieved from what is currently proposed.

Further restrictions sought on the area of a deck at or below 500mm are not considered necessary. As mentioned, it is considered at this level the area of the deck has little impact, if any, on potential adverse effects.

With respect to other structures, submissions seek that the original definition be retained, with the deletion of the restriction on area and that the height of retaining walls be amended. The intention of the Plan Change amendment was to improve the building definition exclusion in relation to decks. It was not specifically intended to amend the exclusion for all other structures. There are many minor structures that are present on residential properties and ancillary to the associated residential activities that should not need to comply with standards such as yard requirements and height restrictions. For example letterboxes, garden structures and planter boxes to name a few.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

As with decks, it is considered that it is the height of these other structures that determines the potential for effects, with the area having little impact on effects. It is therefore recommended that the exclusion for all other structures be reinstated into the definition, however with a restriction only on height and not on area. Further, it is considered appropriate that the exclusion of structures be of a greater height than decks as the use of decks and the activities on them differ from the use of structures, generally with no human activity being located on top of structures.

It is considered that this provision also adequately provides for retaining walls and that no specific amendment is required for such structures. As stated above, it is not agreed that inconsistencies between the District Plan and Building Act is a valid reason to amend the height exclusion for retaining walls, with the two documents having quite different intentions and purposes.

Submissions also seek that the definition be amended or that clarification be provided with respect to attachments on decks such as rails, steps and stairs. It is understood that when calculating the height of a deck, the entire deck structure is included in the calculation. This includes elements such as steps and railings. This is considered appropriate given that it is the structure as a whole, including attached elements, that has the potential of creating potential adverse effects. As such exclusion of these attachments is not considered necessary as sought.

A submitter also seeks that the definition be clarified in terms of 'temporary' and 'moveable' and that the list of exclusions be extended. Further direction is required on this submission, as it is not entirely understood what the submitter is seeking. It is however thought that some relief may be provided to the submitter as a result of the above recommendation to reinstate the exclusion of structures less than 1.2m in height.

Finally, there is also mention in a submission of further review of the definition with regards to fences. The fence exclusion within the building definition is considered appropriate and effective. As a result it was not amended through the proposed Plan Change. Consequently, the relief sought is not considered necessary and falls outside the scope of the Plan Change.

### **Recommendation**

That the submissions of **Nicholas Gabriel Ursin** [1.2], **Simon Byrne** [11.2], **Kevin Collins** [47.2], **Cuttriss Consultants** [85.2], **Cardno TCB** [89.1], **New Zealand Institute of Surveyors** [91.1], and **Nigel Oxley & Fiona Christeller** [117.1] be rejected.

That the submissions of **East Harbour Environmental Association Inc** [60.2] and **Kylie Mason** [83.2] be accepted.

That the submissions of **Ruth Fletcher** [100.2] and **Nigel Oxley & Fiona Christeller** [117.9] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to retaining the definition with regards to decks and making amendment with regard to other structures. Those parts of the submissions which are not recommended to be supported relate to amending the definition with regard to decks, fences and extending the list of exclusions.

And that the Plan Change be amended as follows:

### **3 Definitions**

**Building:** *means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:*

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
- (d) decks less than 500mm in height;
- (e) all structures less than 1.2 metres in height;
- (e f) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
- (f g) all signs, as defined in this Plan.

#### Reason

- Potential adverse effects from decks are generally created from the location of decks in relation to site boundaries and the height of these decks. The area of a deck was found to have little impact on adverse effects on its own.
- A deck height of over 1m has the potential to create adverse effects.
- A deck height of 1m with an additional proviso that it not be within 2m of a boundary may conflict with the yard requirement provision and is unnecessary.
- At 500mm the area of the deck has little impact, if any, on potential adverse effects.
- The intention of the Plan Change amendment was to improve the building definition exclusion in relation to decks and it was not specifically intended to amend the exclusion for all other structures.
- When calculating the height of a deck, the entire deck structure is included in the calculation, including elements such as steps and railings. This is considered appropriate.
- It is not clear what is sought with regard to clarification of 'temporary' and 'moveable' and that the list of exclusions be extended.
- The fence exclusion within the building definition is considered appropriate and effective and as a result it was not amended through the proposed Plan Change.

## 4.5. NET SITE AREA

### 4.5.1. General

#### Submissions

**Nicholas Gabriel Ursin** [1.3] requests that specific net site areas be stated in the District Plan as there should be clearly defined rules and anything outside this should be non-acceptable. Resources are wasted on hearings where applicants seek to breach provisions on the basis that their proposal only requires minimal departure.

**John Pfahlert** [5.4] supports the removal of the minimum net site area where three or more dwellings are proposed.

**Leonard Kane** [10.1] and **Kenneth & Belita Pereira** [13.1] submit that it is not clear what the minimum size of dwellings would be where there are 3 or more dwellings on a site.

**Wigley & Roberts Ltd** [12.2] submits that the last sentence of the explanation starting "*a specific net site area...*" should be deleted as for 3 or more dwellings on a site no minimum site area is required.

**Housing New Zealand Corporation** [27.3], **Cardno TCB** [89.3] and **New Zealand Institute of Surveyors** [91.3] support the provision for no net site area for developments of 3 or more dwellings. It is considered that there would be no adverse effect from removing the requirement for 3 or more dwellings, as consistency with the

Design Guides would still be required. It would allow more innovative design and development would still be controlled through other bulk and location standards.

**East Harbour Environmental Association Inc** [60.6] opposes deletion of the minimum site area for development of 3 or more dwellings in the General Residential Activity Area. They reserve judgement on its application to Higher Density Residential Areas until the effectiveness of the proposed Design Guides can be assessed.

**Petone Planning Action Group** [99.4] considers that with no minimum physical site size, plus no minimum size of residential units, smaller side yards, reduced recession planes and buildings longer than 20m, this could result in unsightly long rows of very small residential units. They question how bulk and location issues will be managed.

**Tom Bennion** [170.1] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Grant Roberts** [132.2] opposes the amendment and submits that lot sizes of less than 500m<sup>2</sup> should not be permitted.

**Ruth Margaret Gilbert** [139.1] opposes the amendment as it could lead to substantial loss of amenity to adjoining properties and surrounding areas.

**Sue Lafrentz** [149.3] does not agree that it be reduced to 300m<sup>2</sup>.

### **Discussion**

There is support from submitters for the provision of no net site area for 3 or more dwellings as consistency with the design guide is still required and the bulk and location standards apply. It is submitted that it will allow for more innovative design and development and will not result in adverse effects.

Submitters opposed to this provision, do so on the grounds that it will lead to a loss of amenity and that lot sizes should not be less than 500m<sup>2</sup>. Some submitters are also concerned that it is not clear what the minimum size of dwellings will be and that the combined effect of the amendments in the Plan Change could result in long low rows of very small residential units.

Submitters request that the minimum net site areas are stated in the District Plan and that there are no breaches.

The District Plan specifies the minimum net site area as part of the permitted activity conditions. If this condition cannot be met, an applicant is entitled to apply for a resource consent to breach it.

The requirement for a minimum net site area currently does not apply to Comprehensive Residential Developments which consist of 5 or more dwellings. The proposed change to the Explanation and Reasons for Net Site Area specifies that the net site area does not apply so that it is clear and provides certainty. In addition, the Plan Change requires that the permitted activity bulk and location standards apply to 3 or more dwellings to ensure that development is in keeping with the scale of development in residential areas. The existing provisions for Comprehensive Residential Developments do not require that the bulk and location standards must be complied with.

Furthermore, the introduction of design guidelines is intended to guide development so that it respects the character and amenity of the area within which it is located.

There is no requirement for a minimum dwelling size as it is not considered applicable. The effects of development are controlled through the bulk and location requirements and the application of design guidelines. The number of dwellings will

be constrained by these matters; eg 1 carpark per dwelling is required and making provision for this will constrain the number of units.

One submitter comments that the last sentence of the explanation of this provision, as part of the policy, is no longer required. The sentence reads:

*“In specific areas of the City, opportunity is to be provided for higher density residential development. A specific net site area has been set to achieve this purpose also.”*

The sentence is still required as the minimum net site area applies to a second dwelling in the Higher Density Residential Area.

### **Recommendation**

That the submissions of **Nicholas Gabriel Ursin** [1.3], **Leonard Kane** [10.1], **Wigley & Roberts Ltd** [12.2], **Kenneth & Belita Pereira** [13.1], **East Harbour Environmental Association Inc** [60.6], **Petone Planning Action Group** [99.4], **Grant Roberts** [132.2], **Ruth Margaret Gilbert** [139.1] and **Sue Lafrentz** [149.3], and further submission of **Tom Bennion** [170.1] be rejected.

That the submissions of **John Pfahlert** [5.4], **Housing New Zealand Corporation** [27.3], **Cardno TCB** [89.3] and **New Zealand Institute of Surveyors** [91.3] be accepted.

### **Reason**

The permitted activity conditions and the design guidelines will control the bulk, location and effects on character and amenity of developments of more than 3 dwellings and the requirement for a minimum net site area is not necessary and does not assist achieving a good outcome for higher density development.

## **4.6. BUILDING LENGTH**

### **4.6.1. General**

#### **Submissions**

**Leonard Kane** [10.4], **Kenneth & Belita Pereira** [13.4], **Jim McKenzie** [28.3], **East Harbour Environmental Association Inc** [60.5], **Graeme Lester Lyon** [79.3], **Kylie Mason** [83.3], **Petone Planning Action Group** [99.5], **Ruth Fletcher** [100.3], **Gaye Langridge** [102.6], **Tui Lewis** [103.6], **Emerson & Ruth Willard** [110.1], **Elizabeth Grace and Poh-Khean Tan** [111.2], **Elizabeth & Clarence Goodhue** [112.1], **Grant Roberts** [132.3] and **Sue Lafrentz** [149.5] oppose the removal of the building length rule.

Leonard Kane and Kenneth & Belita Pereira state that a structure longer than what is currently allowed would compromise sun and light access, increase shadowing and interfere with the existing view.

Jim McKenzie submits that the changes to recession plane and building length rules will significantly impact on quality of life in the neighbourhood through introduction of large bulky buildings and reduced natural sunlight.

East Harbour Environmental Association Inc note that the increase in the number of non-compliances may reflect the fact that domestic dwellings have got larger and do not sit on the sites as well as smaller buildings of the past did.

Graeme Lester Lyon and Petone Planning Action Group submit that the building length rule was instituted to stop development of sausage blocks and they are still not desirable. Petone Planning Action Group note that yards, recession planes and site coverage are stated as three standard bulk and location requirements that Councils

rely on instead of trying to control building length. As the Plan Change seeks to reduce all of the requirements they question how bulk and location issues will be managed.

Kylie Mason states that the rule prevents neighbours being subject to continuous building facades and that if the rule is kept, better guidance is needed to define a suitable separation distance between structures which are both under 20m in length but which have a combined length of greater than 20m.

Ruth Fletcher submits that the removal of the building length rule has potential to significantly reduce the amenity value of open space currently available to existing property owners. In conjunction with yard requirements, it encourages development of courtyard open spaces on the northern side of developments with longer walls on the southern side. For existing homeowners to the south or east this means outlook to open space on adjacent properties would be lost; likely increase in shading on open space and dwellings; and consequently loss of solar gain. It could also mean that sea views are lost. She requests that the proposed amendments are not accepted and that before considering further changes, modelling be completed to demonstrate the solar impact and life cost the change is likely to have for existing property owners.

Gaye Langridge and Tui Lewis state that a lot of Petone residents are already close to their neighbours.

***Tom Bennion** [170.2] supports the submission by Petone Planning Action Group and states that the proposed change would reduce residential amenity.*

**Housing New Zealand Corporation** [27.4] and [27.7], **Sean Irion** [34.1], **Kevin Collins** [47.11], **Cuttriss Consultants** [85.8], **Cardno TCB** [89.4], **New Zealand Institute of Surveyors** [91.4], **Lisa Shannon Heberley** [116.1], **James Arthur Juno** [118.1], **Belinda Jane Burgess** [119.1], **Dave Steven** [120.1] and **Jeff Downs** [150.3] support the deletion of the building length rule.

Housing New Zealand Corporation submit that the rule is overly onerous and difficult to interpret, with the intent of the rule being adequately covered by yard setback, recession plane and site coverage standards.

Cardno TCB state that adverse effects of buildings can be sufficiently controlled through rules for maximum height, recession planes, yards and site coverage.

New Zealand Institute of Surveyors also state that other bulk and location rules adequately control potential adverse effects of buildings, together with the Design Guides for multi-unit developments.

Lisa Shannon Heberley and Dave Steven state that the consent process for adding an extension cost them \$6000 with 8 months delay.

James Arthur Juno submits that he has had problems getting a new consent on an existing building previously over 20m in length.

Belinda Jane Burgess states that she could not extend their garage due to this rule but could have if it was detached.

Jeff Downs submits that most other Councils do not have this rule and effects can be managed other ways.

**Maungaraki Community Association** [32.2] comments that the deletion of the building length rule may allow views to be blocked.

**Geraldine Mary Laing** [78.1] requests that a specific length be set in relation to adjacent sections so that the onus is not on the neighbours to object.

**Holmes Davis Ltd** [106.1] submits that in some cases the building length rule could be deleted (high density housing), however in cases where adjoining properties contain single unit dwellings then the building length rule should apply.

### **Discussion**

Submissions were received both in support and opposition of the proposed deletion of the permitted activity standard controlling building length.

Reasons for opposition include:

- Impact on quality of life in the neighbourhood.
- Increase in shadowing.
- Interference or loss of existing views.
- Reduced day and sun light access and reduction in the amenity value of open space currently available.
- Increase in the number of non-compliances may reflect that domestic dwellings have got larger and do not sit on the sites as well as buildings of the past did.
- The rule was instituted to stop development of sausage blocks, which are still not desirable.
- In conjunction with amendment to yard requirements, it encourages development of longer walls on the southern boundary of a site.
- Question how bulk and location issues will be managed, in conjunction with the other bulk and location amendments.

Reasons for support include:

- Rule is overly onerous and difficult to interpret.
- The intent of the rule and adverse effects are adequately covered by yard setback, maximum height, recession plane and site coverage standards, together with the Design Guides for multi-unit developments.
- Consent process for building length extensions is expensive and timely.
- Could not extend a garage due to the rule yet could have if it was detached from the house.
- Other Councils do not have a building length rule.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

Holmes Davis Ltd also notes that in some cases the building length rule could be deleted (higher density housing), however in cases where adjoining properties contain single unit dwellings then the building length rule should apply.

Ruth Fletcher requests that before further amendments are considered, modelling be completed to demonstrate the impact that the change is likely to have for existing property owners.

Kylie Mason seeks that if the rule is kept, better guidance is needed to define a suitable separation distance between structures on a site which are under 20m in length but which have a combined length of greater than 20m.

Finally, Geraldine Mary Laing seeks that a specific length be set in relation to adjacent sections so that the onus is not on the neighbours to object.

The building length rule is proposed to be removed from the permitted activity standards for the General Residential Activity Area as it is considered difficult to interpret, it triggers circumstances that are not anticipated, such as decks, and the



intent of the provision is considered to be adequately covered by other bulk and location controls, including yard requirements, recession planes, site coverage and building height. There is also a potential anomaly with the provision in that it only relates to individual buildings and does not control effects of buildings that are built in very close proximity to each other, which together could be considered to create the same, if not greater, effect as a single long building.

Control over building length in residential areas is not a common control in District Plans. A review of District Plans for other City Councils and relevant Districts, including Councils located within the Wellington Region, found four Councils which control building length. A summary of this review is shown below in Table 1.

In considering the methods used by other Councils to control building length it is noted that the methods used by Queenstown Lakes District Council and North Shore City Council are similar to that of Hutt City Council's building length rule. The method used by New Plymouth District Council on the other hand appears more restrictive and less flexible.

The approach adopted by Christchurch City Council is however considered a good compromise between the existing Hutt City Council building length control and having no control. It would result in the length of buildings being controlled by requiring steps inwards to break up continuous building façades, however it would not require the portion of a building which is over a specified length to be entirely setback. It is more a continuous building length control as opposed to a maximum building length control.

<b>District</b>	<b>Building Length Provision Imposed</b>
Auckland City	No
Christchurch City	Yes - provision of steps required when a building is over certain lengths (various lengths provided).
Dunedin City	No
Hamilton City	No
Kapiti Coast	No
New Plymouth	Yes – maximum length of 30m imposed.
North Shore City	Yes – similar method to Hutt City but triggered when building height exceeds 5m as opposed to length.
Palmerston North	No
Porirua	No
Queenstown Lakes	Yes - provision of progressive setbacks required when a building is over 16m.
Tauranga	No
Upper Hutt	No
Wellington City	No

**Table 1: Review of Building Length Provisions in District Plans**

An example of a rule, based on the Christchurch City Council provision that would be appropriate for Hutt City is detailed as follows:

*“Continuous Building Length*

*Steps shall be provided along the length of exterior walls in accordance with the following table:*

<b>Length of exterior wall</b>	<b>Minimum number of steps</b>
< than or =20m	0
> 20m < than or = 24m	1
> 24m <than or= 28m	2

> 28m <than or= 32m	3
> 32m	4 + 1 for every additional 10m of length over 32m

Where steps are required above:

- One step shall have a minimum depth of 2m. Any steps required thereafter shall have a minimum depth of 1m.
- One step shall have a minimum length of 2m. Any steps required thereafter shall have a minimum length of 4m.
- No length of any exterior wall shall exceed 20m without a step of the required dimension having commenced.
- The required steps shall be provided at all levels of the exterior wall.

Provided that:

- (i) This rule shall not apply to any part of an exterior wall which is more than 10m from every internal boundary and more than 6m from a road boundary.
- (ii) Where no part of a building exceeds 5.5m in height, this rule shall not apply to any exterior wall of less than 28m in length.

For the purpose of this rule step, depth and length have the following meanings:

- Step means a change in the line of an exterior wall or a distance between two buildings on the same site.
- Depth means a step in an exterior wall shall be measured at right angles to the exterior wall from which it is being measured.
- Length means the maximum dimension of any step or exterior wall of a building as measured along each elevation of the building, except where buildings on the same site are separated by a distance of less than 3.6m (as measured from exterior wall to exterior wall), the length shall be the combined maximum dimension of all of the exterior walls, including any distance between them"

In addition to the above, if it was adopted it would be useful for some diagrams to be developed to help demonstrate the rule.

Given the issues and concerns raised by opposing submitters it is recommended that the Plan Change through inserting the above rule for building length in the District Plan as a permitted activity condition. It is considered that this provision would be effective in controlling potential adverse effects, yet would improve issues with interpretation and implementation of the rule and would not capture situations unintended or create anomalies. Further, it is considered that it will allow more flexibility in design as opposed to the current building length provision.

Along with addressing concerns of potential adverse effects resulting from continuous building facades, the above rule would also address the current anomaly regarding separation distances between building and structures.

Finally, in respect of the request to undertake modelling of the proposed amendment it is noted that this is a difficult and endless exercise as there are no limitations to model under the proposed amendment. As such it is not feasible to produce such models as requested.

### **Recommendation**

That the submissions of **Housing New Zealand Corporation** [27.4] and [27.7], **Sean Irion** [34.1], **Kevin Collins** [47.11], **Cuttriss Consultants** [85.8], **Cardno TCB** [89.4], **New Zealand Institute of Surveyors** [91.4], **Lisa Shannon Heberley** [116.1],

James Arthur Juno [118.1], Belinda Jane Burgess [119.1], Dave Steven [120.1] and Jeff Downs [150.3] be rejected.

That the submissions of Leonard Kane [10.4], Kenneth & Belita Pereira [13.4], Jim McKenzie [28.3], Maungaraki Community Association [32.2], East Harbour Environmental Association Inc [60.5], Geraldine Mary Laing [78.1], Graeme Lester Lyon [79.3], Kylie Mason [83.3], Petone Planning Action Group [99.5], Ruth Fletcher [100.3], Gaye Langridge [102.6], Tui Lewis [103.6], Holmes Davis Ltd [106.1], Emerson & Ruth Willard [110.1], Elizabeth Grace and Poh-Khean Tan [111.2], Elizabeth & Clarence Goodhue [112.1], Grant Roberts [132.3] and Sue Lafrentz [149.5] and further submission of Tom Bennion [170.2] be accepted.

And that the Plan Change be amended as follows:

**Rule 4A2.1.1(f) Permitted Activity Conditions**

**Continuous Building Length**

Steps shall be provided along the length of exterior walls in accordance with the following table:

<u>Length of exterior wall</u>	<u>Minimum number of steps</u>
<u>&lt; than or =20m</u>	<u>0</u>
<u>&gt; 20m &lt; than or = 24m</u>	<u>1</u>
<u>&gt; 24m &lt;than or= 28m</u>	<u>2</u>
<u>&gt; 28m &lt;than or= 32m</u>	<u>3</u>
<u>&gt; 32m</u>	<u>4 + 1 for every additional 10m of length over 32m</u>

Where steps are required above:

- One step shall have a minimum depth of 2m. Any steps required thereafter shall have a minimum depth of 1m.
- One step shall have a minimum length of 2m. Any steps required thereafter shall have a minimum length of 4m.
- No length of any exterior wall shall exceed 20m without a step of the required dimension having commenced.
- The required steps shall be provided at all levels of the exterior wall.

Provided that:

- (i) This rule shall not apply to any part of an exterior wall which is more than 10m from every internal boundary and more than 6m from a road boundary.
- (ii) Where no part of a building exceeds 5.5m in height, this rule shall not apply to any exterior wall of less than 28m in length.

For the purpose of this rule step, depth and length have the following meanings:

- Step means a change in the line of an exterior wall or a distance between two buildings on the same site.
- Depth means a step in an exterior wall shall be measured at right angles to the exterior wall from which it is being measured.
- Length means the maximum dimension of any step or exterior wall of a building as measured along each elevation of the building, except where buildings on the same site are separated by a distance of less than 3.6m (as measured from exterior wall to exterior wall), the length shall be the

combined maximum dimension of all of the exterior walls, including any distance between them.

#### **Reason**

- The current building length rule is considered difficult to interpret and triggers circumstances that are not anticipate.
- The proposed replacement rule will overcome existing issues, control potential adverse effects and provide for greater design flexibility than currently.

### **4.7. YARD REQUIREMENTS**

#### **4.7.1. General**

##### **Submissions**

**John Pfahlert** [5.4], **Housing New Zealand Corporation** [27.5], **Sean Irion** [34.3], **Cardno TCB** [89.6], **New Zealand Institute of Surveyors** [91.5] and **Jane Johnston** [96.10] and support the changes to the yard requirements.

Housing New Zealand Corporation states that the amendment provides for additional flexibility and may be useful in ensuring good quality site design, including outdoor amenity and functional use of the site.

Cardno TCB submits the change allows greater flexibility for higher density infill housing.

**Leonard Kane** [10.3], **Kenneth & Belita Pereira** [13.3], **Jim McKenzie** [28.1], **Debbie Summers** [30.1], **Gavin Bateson** [46.1], **Beverley Anne Tyler** [59.2], **East Harbour Environmental Association Inc** [60.7], **Ruth Fletcher** [100.4], **R J & B M Deller** [101.4], **Emerson & Ruth Willard** [109.1], **Elizabeth Grace and Poh-Khean Tan** [111.1], **Elizabeth & Clarence Goodhue** [112.2], **Ruth Margaret Gilbert** [139.3] and **Sue Lafrentz** [149.2] oppose the changes to the yard requirements.

Leonard Kane and Kenneth & Belita Pereira submit that the amendment would eliminate the privacy which owners currently enjoy.

Debbie Summer submits the change can create overbearing structures close to boundaries, increasing bulk and shade.

Gavin Bateson considers that the combined effect of the amended yard requirement and the exclusion of eaves up to 0.6m from building coverage means that buildings can be built within 0.4m of a fence line. This is too close and will adversely affect neighbours.

East Harbour Environmental Association Inc submits that such a reduction would increase the sense of crowding and reduce amenity. It might be appropriate in Higher Density Residential Areas. The increase in the number of non-compliances may reflect the fact that domestic dwellings have got larger and do not sit on the sites as well as smaller buildings of the past did.

Ruth Fletcher states that the reduction to 1m unnecessarily removes protection to existing homeowners and has a number of impacts: reduced sunlight provision and passive solar gain; increased heating costs; and compromises yard amenity potential. Particularly when in conjunction with change to recession planes and permitted eave projections. Requests that before considering further change, modelling be completed to demonstrate the solar impact and whole life cost this type of change is likely to have for existing property owners.

Ruth Margaret Gilbert states the change will increase the sense of overcrowding and reduce amenity of the area.

Sue Lafrentz states that the change will give the right to develop very close to the boundary which will increase the shading affects, lack of privacy etc even more. The proposed amendment should only be allowed for garages and sheds and not for higher density housing.

**Wigley & Roberts Ltd** [12.4] seeks that where an existing building abuts a Right of Way boundary on an infill subdivision, the side yard to the Right of Way may be reduced to zero provided the building is at least 2.8m from the opposite side of the Right of Way. They state that in most infill housing cases there is approximately 3m adjoining the existing dwelling to provide access to a new rear lot. It is not normally possible to provide a 3m Right of Way and an additional 1.5m setback. This creates necessity for resource consent which is invariably approved. The non-compliance with the 1.5m setback generally has no additional adverse effects.

**Cardno TCB** [165.1] supports the submission of **Wigley & Roberts**.

**Ron McIvor** [42.1] supports the change to the yard requirements however if parking is provided at the rear of the site then the front yard could be reduced to 3m as carparking requirements can be met at the rear and there is no need to allow a 5m yard for parking in the front yard.

**Kevin Collins** [47.3] opposes the amendment of the yard requirements. A 1m yard requirement would significantly change the amenities of the City. The only exception to this should be when the existing exterior wall line is to be continued to avoid unnecessary stepping in of the building perimeter. Further, projected windows that do not have a foundation would be acceptable to encroach into the yard by up to 0.5m but up to a maximum length of 3m.

**Neil McGrath** [157.1] supports the submission by **Kevin Collins** and states that effects upon privacy, amenity and adjoining trees should each be considered on its effects. Administration convenience is not a valid reason.

**Kevin Collins** [47.9] seeks that accessory items such as corner facing boards, window joinery, sills, switchboards, taps, downpipes, spouting, gas meters, plant hooks, light switches, aerials and flashings be excluded from yard requirements.

**Graeme Lester Lyon** [79.4] and **Petone Planning Action Group** [99.7] submit that side and rear yards should be totally reconsidered. Rather than blanket reduction there should be a rationale for the existence of yards coupled with the possibility of no side yard in some instances.

The **Petone Planning Action Group** further comment that depending on the orientation of the site, consider zero space in a side yard that is then made up for in the back yard or a courtyard area might be suitable. The Plan Change and Design Guides would need to spell out when, where and how having no yards would be acceptable. This would allow for variety in design and visual effects.

**Tom Bennion** [170.3] supports the submission by **Petone Planning Action Group** and states that the proposed change would reduce residential amenity.

**Cuttriss Consultants** [85.11] generally supports the change and recommends that they be adopted as drafted, however considers Council has not done sufficient investigations in regard to altering this rule. They ask if analysis been done to show that reduction in side yard setback will reduce the percentage of consents? Need to be certain that the rule change will achieve the outcome sought. Note that Wellington City does not have side and rear yard requirements expect for a few exceptions. The side yard is not a very useable space. The height of buildings in relation to boundaries will still be moderated by the recession plane requirements. Another

option would be to allow 1m yards in the higher density area and retain 1.5m yards in other residential areas. May go further towards retaining existing amenity.

**Nigel Oxley & Fiona Christeller** [117.7] seeks that sub clause (i) of the yard requirements (4A2.1.1(b)(i)) be deleted. Garages or carports should be allowed up to the boundary in areas of higher density development. Otherwise could result in significant loss of recreational space and permeable surfaces on the remainder of the site.

### **Discussion**

The Plan Change proposes to amend the rear and side yard requirement for permitted activities in the General Residential Activity Area from 1.5m to 1m (Rule 4A2.1.1(b)). Submissions were received in support and opposition of the proposed change.

Reasons for support include that the change will allow greater flexibility for higher density infill housing and may be useful in ensuring good quality site design, including outdoor amenity and functional use of the site.

Reasons for opposition include:

- Affect on current privacy and amenity.
- Will reduce sunlight provision and passive solar gain.
- Will increase bulk, shading and sense of crowding and result in increased heating costs.
- Impacts created particularly when in conjunction with change to recession planes and permitted eave projections.
- Increase in number of non-compliances may reflect that domestic dwellings have got larger and do not sit on the sites as well as smaller buildings of the past did.
- A lot of the dwellings in Petone are already close together.

In addition, Gaye Langridge and Tui Lewis oppose the Plan Change amendment of the yard requirements in their submissions addressed under section 4.6.1 of this report.

Changes sought to the yard requirement provision include:

- Reduce yards (to 1m) in the Higher Density Residential Areas, however retain existing yard requirement (1.5m) in all other residential areas.
- Apply the proposed amendment only for garages and sheds and not for higher density housing.
- Projected windows that do not have a foundation would be acceptable to encroach into the yard by up to 0.5m but up to a maximum length of 3m.
- That accessory items such as corner facing boards, window joinery, sills, switchboards, taps, downpipes, spouting, gas meters, plant hooks, light switches, aerials and flashings be excluded from yard requirements.
- Where an existing building abuts a Right of Way boundary on an infill subdivision, that the side yard to the Right of Way may be reduced to zero provided the building is at least 2.8m from the opposite side of the Right of Way.
- If parking is provided at the rear of a site then the front yard requirement should be reduced to 3m.
- Totally reconsider yard requirements – rather than a blanket reduction there should be a rationale for the existence of yards coupled with the possibility of no side yard in some instances.
- That sub clause (i) of the yard requirements (4A2.1.1(b)(i)) be deleted.

It was also requested that before considering further change, modelling be completed to demonstrate the impact of the change.

Further to the review of the residential activity area provisions it was found that the side and rear yard requirements resulted in a significant number of infringements and consequent resource consent applications. A further look into these infringements showed that the majority resulted in less than minor effects, or in some cases *de minimis* effects, and thus were granted consent. It was therefore considered that the provision was creating inefficiencies in the implementation of the District Plan. A Section 32 analysis of the options determined it to be appropriate to amend the requirement as proposed.

Benefits gained from the proposed amendment include providing for greater flexibility in the location of activities on a site, which in turn allows for efficient use of a site and the opportunity for greater design outcomes to be created. In addition, the likelihood of minor infringements being created is reduced and as such efficiencies are gained in the implementation of the District Plan.

Further to receiving the submissions, modelling has been undertaken to determine the potential of shading effects as a result of the proposed amendment. The outcome of this modelling is represented in diagrams appended as Attachment 2.

The attached shading diagrams show shading at the summer solstice, winter solstice and equinox for individual sites and for a neighbourhood of sites. They have been prepared for both the General Residential Activity Area and the Higher Density Residential Area using the existing and the proposed permitted activity conditions. They represent a compliant residential building envelope on a worst case scenario basis. That is where possible the building envelope is at the maximum level/standard with the majority of the envelope situated on the southern site boundary.

As demonstrated in these diagrams, there is only a marginal difference in shading from a building envelope situated on a southern boundary with the imposition of a 1.5m side and rear yard requirement and a 1m requirement. As can be seen there is a significant potential for shading in the winter to result from a compliant building envelope. The difference in shading in winter as a result of the proposed amendment is however not considered to be significant and creates a less than minor change in adverse effects.

It is noted that as the diagrams have been prepared based on the proposed provisions, they therefore represent the cumulative result of the yard requirement amendment in conjunction with the other amendments, such as the change in recession planes.

The outcome of this modelling exercise confirms the original conclusion that the proposed yard requirement amendment for both the General Residential and Higher Density Residential Areas is appropriate. It is therefore not agreed that the amendment will adversely affect daylight and sunlight access for neighbouring properties. Further, the benefits of the proposed amendment (as detailed above, in supporting submissions and as outlined in the Section 32 analysis) outweigh any impact of implementing the amendment.

It is consequently not considered appropriate to retain yards at 1.5m for either the General Residential or Higher Density Residential Areas. However, on the other hand it is neither considered appropriate to remove yard requirements altogether as submitted, with benefits being gained from having some degree of building setback from yards.

Further to the submission which raises the concern of the combined effect of the yard requirement reduction and exclusion of eaves up to 0.6m, it is noted that it is not considered that this will have any significant impact. It is a consequence of reducing the yard requirement and overall will have a negligible impact on the sense of spaciousness, and privacy and sunlight access of neighbouring properties.

A submission was also received seeking that accessory items such as corner facing boards, window joinery, sills, switchboards, taps, downpipes, spouting, gas meters, plant hooks, light switches, aerials and flashings be excluded from yard requirements. Under the District Plan definition of Yard, yard requirements relate to buildings and are thus calculated from the outside cladding of a building. Accessory items do not need to be included and are therefore it is not considered necessary to exclude these items from the yard provision. Further, it is considered that such an exclusion has the potential to create interpretation issues.

Submissions seeking amendment of Rule 4A2.1.1(b)(i) regarding setbacks for garages and carports are considered to be outside the scope of the Plan Change and this cannot be considered as part of this process. It is however recommended that this matter be added to the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process.

With regards to the submission which seeks that where an existing building abuts a Right of Way boundary on an infill subdivision, that the side yard to the Right of Way may be reduced to zero provided the building is at least 2.8m from the opposite side of the Right of Way, it is noted that this has not been considered as part of this Plan Change and as such requires analysis and research, including consultation. It is therefore recommended that this matter also be added to the list appended as Attachment 3 for consideration by Council at a later stage.

### **Recommendation**

That the submissions of **Leonard Kane** [10.3], **Wigley & Roberts Ltd** [12.4], **Kenneth & Belita Pereira** [13.3], **Jim McKenzie** [28.1], **Debbie Summers** [30.1], **Ron Mclvor** [42.1], **Gavin Bateson** [46.1], **Kevin Collins** [47.3] and [47.9], **Beverley Anne Tyler** [59.2], **East Harbour Environmental Association Inc** [60.7], **Graeme Lester Lyon** [79.4], **Petone Planning Action Group** [99.7], **R J & B M Deller** [101.4], **Emerson & Ruth Willard** [109.1], **Elizabeth Grace and Poh-Khean Tan** [111.1], **Elizabeth & Clarence Goodhue** [112.2], **Nigel Oxley & Fiona Christeller** [117.7], **Ruth Margaret Gilbert** [139.3] and **Sue Lafrentz** [149.2], and further submissions of **Cardno TCB** [165.1], **Neil McGrath** [157.1] and **Tom Bennion** [170.3] be rejected.

That the submissions of **John Pfahlert** [5.4], **Sean Irion** [34.3], **Housing New Zealand Corporation** [27.5], **Cardno TCB** [89.6], **New Zealand Institute of Surveyors** [91.5] and **Jane Johnston** [96.10] be accepted.

That the submission of **Cuttriss Consultants** [85.11] and **Ruth Fletcher** [100.4] be accepted in part. That part of the submission which is recommended to be accepted relates to further work being undertaken further to receiving submissions. That part that is not recommended to be accepted relates to the amending or deleting the proposed amendment.

### **Reason**

- As demonstrated in the shading diagrams there is only a marginal difference in shading between a 1.5m side and rear yard requirement and a 1m requirement.
- The outcome of the shading modelling exercise confirms that the proposed amendment is appropriate.
- It is not agreed that the amendment will create more than minor adverse effects on daylight and sunlight access for neighbouring properties.
- Further to the Section 32 analysis, the benefits of the proposed amendment outweigh any impact of implementing the amendment.
- Consideration was not given through the Plan Change process to amendment of yard requirements for where an existing building abuts a Right



of Way boundary on an infill subdivision. As such this requires further analysis through a separate process.

- Submissions seeking amendment of Rule 4A2.1.1(b)(i) are outside the scope of the Plan Change.

## 4.8. RECESSION PLANES

### 4.8.1. General

#### Submissions

**John Pfahlert** [5.4], **Colin Herbert** [7.1], **Housing New Zealand Corporation** [27.6], **Sean Irion** [34.4], **Trevor James O'Connor** [35.1], **Karen Lee Ewart** [36.1], **Michelle Faye Loader** [38.1], **Cuttriss Consultants** [85.12], **Cardno TCB** [89.7], **Jane Johnston** [96.6] and **Jeff Downs** [150.1] support the change to the condition for recession planes.

Housing New Zealand Corporation states that the current rule is overly onerous and the proposed amendment would adequately mitigate potential effects from building bulk over neighbouring sites.

Michelle Faye Loader states that the change will eliminate confusion and errors. She sees the change as being minor with minimal effects to neighbouring properties.

Cuttriss Consultants state that the changes simplify the requirements and bring them into line with the adjoining Councils standards of what is considered to be acceptable levels of shading.

Cardno TCB submits that the proposed amendment is commonly used by most territorial authorities. It also avoids any confusion to homeowners considering future extensions or property work.

Jeff Downs submits the amendment will have no more than minor adverse effects and it is effective in resolving interpretation difficulties and council resource inefficiencies.

**Jim McKenzie** [28.2], **East Harbour Environmental Association Inc** [60.8], **Graeme Lester Lyon** [79.5], **Steve & Jill Douglas** [82.1], **Simon Brown** [92.1], **Petone Planning Action Group** [99.8], **Ruth Fletcher** [100.5], **R J & B M Deller** [101.3], **Ruth Margaret Gilbert** [139.4] opposes the proposed amendment to the condition for recession planes.

Jim McKenzie submits that the changes will significantly and adversely impact on quality of life in the neighbourhood through introduction of large bulky buildings and reduced natural sunlight. As shown in solar drawings attached to the submission, the effect of the change in the recession plane from 37.5 degrees to 45 degrees is a 33% increase in the time the sun is below the recession plane horizon during winter.

East Harbour Environmental Association Inc submit that the present conditions reflect the reality of shading differences with aspect and thus they should be retained. Simplification should not be used as a reason. In some situations this change could intensify adverse shading effects.

Graeme Lester Lyon states that sunlight is more valuable and possible on some boundaries than on others.

Steve & Jill Douglas submit that in the Hutt Valley exposure to sunshine is as important as insulation for ensuring the health of homes. Any change that increases shading of adjacent properties in these circumstances is undesirable. They seek that

at least the current recession plane requirements be retained for special zones or any zones where higher density housing is not proposed.

Simon Brown states that the change will adversely affect privacy and sun for neighbouring properties. Property owners should be entitled to some protection. Current recession plane rules correctly recognise that more consideration and protection is needed for neighbouring properties to the south. The submitter does not accept that the current rule is unreasonably restrictive to development.

Petone Planning Action Group states that sunlight is more valuable and possible on some boundaries than others. Therefore there has to be a retained difference in recession planes. Current recession plane controls are based on logic to do with latitude and path of the sun.

Ruth Fletcher submits that in conjunction with yard requirement changes, the amendment has the potential for significant additional adverse effects on existing properties located to the south or east of new developments. To be quantified sun studies would need to be completed. Effects include reduction in sunlight provision and consequent reduction in passive solar gain and increase in heating costs for affected owners. Requests that before considering further changes the Council complete modelling to demonstrate the solar impact and life cost the change is likely to have for existing property owners.

Ruth Margaret Gilbert submits that the reason for having different recession planes for different aspects is because of summer and winter sun effects. It makes no sense to change this and changing it will affect amenity.

**Tom Bennion** [170.4] supports the submission by Petone Planning Action Group and states that the proposed change would reduce residential amenity.

**Debbie Summers** [30.2] opposes the removal of sub clause (iii) from the provisions (37.5 angle) and states that people need light and sun. Reducing the angle will cause adverse effects.

**Kevin Collins** [47.4] partially supports changes to recession planes and requests that the front boundary to the road be excluded from recession plane compliance. With the existing street widths and 3m front boundary requirement additional shading on the street is minimal and the public are not adversely affected.

**Beverley Anne Tyler** [59.3] opposes the amendment and seeks that the recession plane from all boundaries be the lesser of present planes applied i.e. 37.5 degrees from all boundaries, not 45 degrees. Submits that the change will affect neighbourhood's amenity.

**Kylie Mason** [83.6] comments that changing the recession plane rule combined with the 1m yard setback will result in a large increase in permissible shading. Would like to have seen shading diagrams produced. Given the reduction in the side yard requirement, strong consideration should be given to making the recession planes standardised at either 37.5 or 41 degrees to ensure that adequate daylight and sunlight is maintained to neighbouring properties.

**New Zealand Institute of Surveyors** [91.6] supports the amendment of the recession plane requirement and further requests that road boundaries be excluded from the recession plane requirement, given that a 3m front yard is also required.

**Emerson & Ruth Willard** [109.2] notes that reduction in natural lighting in west facing sites will be significant.

**Nigel Oxley & Fiona Christeller** [117.8] request that the proposed amendment be redrafted to calculate road boundary recession planes from the opposite side of the

road. Submit that recession planes on road boundaries should be treated in the same way as access legs/ROW boundaries. It should be calculated from either the centre line or the opposite side of the road. This will allow more designs sympathetic to existing colonial areas with 2 story buildings and gable end roof construction. It would also allow more sensible development on sites with ground rising from the road boundary. Exclude "service structures" from the recession plane.

**Linda Margaret Mead** [122.1] requests that the recession plane requirement of 37.5 degrees be kept for the south, west and east boundaries. If simplification of the rule is necessary then make all boundaries 37.5 degrees. The change will seriously increase the amount of sunlight loss.

**Sue Lafrentz** [149.7] considers that the proposed amendments will cause an increase in bulk closer to dwellings. This will not be a minor adverse effect and should be reconsidered as shading, loss of privacy and bulky buildings create adverse effects.

### **Discussion**

It is proposed to simplify the recession plane control through the Plan Change by imposing just one control, that being 2.5m + 45°, for all boundaries regardless of the orientation. Controls for the individual boundaries (north east facing, north west facing etc) are proposed to be deleted.

A number of submissions were received with respect to this proposed amendment, including submissions in support and opposition. Submissions received also sought further amendment of the provision.

Reasons for support include:

- The current rule is overly onerous.
- The amendment would adequately mitigate potential effects from building bulk over neighbouring sites.
- The change simplifies the requirements and will eliminate confusion and errors.
- It will have minimal effects to neighbouring properties.
- The amendment brings the control into line with the adjoining Council's standards.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

Reasons for opposition include:

- The change will adversely affect neighbouring properties privacy and sun.
- Consequent reduction in passive solar gain and increase in heating costs for affected owners.
- The present conditions reflect the reality of shading differences with aspect.
- Simplification should not be used as a reason.
- Sunlight is more valuable and possible on some boundaries than on others.
- Exposure to sunshine is as important as insulation for ensuring the health of homes.
- Current property owners should be entitled to some protection.
- The current rule is not unreasonably restrictive to development.
- In conjunction with yard requirement changes, the amendment has the potential for significant additional adverse effects on existing properties located to the south or east of new developments.

The following changes were sought to the recession plane control:

- That at least the current recession plane requirements be retained for special zones or any zones where higher density housing is not proposed.

- That the recession plane from all boundaries be the lesser of present planes applied i.e. 37.5 degrees from all boundaries, not 45 degrees.
- That the road boundaries be excluded from the recession plane requirement.
- That the proposed amendment be redrafted to calculate road boundary recession planes from the opposite side of the road.
- Exclude “service structures” from the recession plane.

A number of submitters also request that modelling and diagrams be produced to demonstrate the impact of the change.

Further to receiving submissions on the Plan Change, shading modelling has been carried out on behalf of the Council. The outcome of this modelling is represented in diagrams attached as Attachment 2.

The attached shading diagrams show shading at the summer solstice, winter solstice and equinox for individual sites and for a neighbourhood of sites. They have been prepared for both the General Residential Activity Area and the Higher Density Residential Area using the existing and the proposed permitted activity conditions. They represent a compliant residential building envelope on a worst case scenario basis. That is where possible the building envelope is at the maximum level/standard with the majority of the envelope situated on the southern site boundary.

As demonstrated in these diagrams, there is only a marginal difference in shading from a building envelope situated on a southern boundary with the imposition of a 45 degree recession plane in comparison to a 37.5 degree plane. This difference is not considered to be significant and is not considered to have the potential to create any greater shading effects from the effects associated with a 37.5 degree recession plane.

It is therefore not agreed that the proposed amendment will adversely affect daylight and sunlight access for neighbouring properties within any of the residential activity areas. Further, the benefits of the proposed amendment (as detailed in supporting submissions and as outlined in the Section 32 analysis), such as simplification of the provision leading to the avoidance of misinterpretations and improvements in District Plan processing, outweigh any impact of implementing the amendment. As such it is determined to be appropriate to accept the amendment of the recession plane control as proposed in the Plan Change.

It is noted that as the diagrams have been prepared based on the proposed provisions, they therefore represent the cumulative result of the recession plane amendment in conjunction with the other amendments, such as the reduction in yard requirements.

In regard to the submission which seeks that front boundaries be excluded from recession plane controls, it is noted that recession planes not only control shading effects but also general amenity effects. This is particularly the case on front road boundaries, where shading may not be a significant issue but amenity certainly is. Amenity effects that can result from having bulky buildings located on a front boundary include impact on existing streetscape and inconsistencies with the character and scale of a surrounding neighbourhood. It is thus not considered appropriate to exclude front yards from the recession plane control. This also applies to the request to redraft the control so that on road boundaries the control be calculated from the opposite side of the road.

Finally, a submission also seeks that “service structures” be excluded from the recession plane control. Service structures, as sought, include structures such as solar panel collectors and wind power generators. While it is agreed that there are merits of such exclusions, there is also the potential for adverse effects to be created if the exclusion is not accurately worded. This is particularly the case given that the technology of such structures is constantly changing and as such an exclusion

worded in the present time may not accurately provide for such a structure in say another 5 years time. Further research and investigation is therefore considered necessary before such an amendment can be considered. It is therefore recommended that this matter be added to the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process.

### **Recommendation**

That the submissions of **Jim McKenzie** [28.2], **Debbie Summers** [30.2], **Kevin Collins** [47.4], **Beverley Anne Tyler** [59.3], **East Harbour Environmental Association Inc** [60.8], **Graeme Lester Lyon** [79.5], **Steve & Jill Douglas** [82.1], **New Zealand Institute of Surveyors** [91.6], **Simon Brown** [92.1], **Petone Planning Action Group** [99.8], **R J & B M Deller** [101.3], **Emerson & Ruth Willard** [109.2], **Nigel Oxley & Fiona Christeller** [117.8], **Linda Margaret Mead** [122.1], **Ruth Margaret Gilbert** [139.4] and **Sue Lafrentz** [149.7], and further submission of **Tom Bennion** [170.4] be rejected.

That the submissions of **John Pfahlert** [5.4], **Colin Herbert** [7.1], **Housing New Zealand Corporation** [27.6], **Sean Irion** [34.4], **Trevor James O'Connor** [35.1], **Karen Lee Ewart** [36.1], **Michelle Faye Loader** [38.1], **Cuttriss Consultants** [85.12], **Cardno TCB** [89.7], **Jane Johnston** [96.6] and **Jeff Downs** [150.1] be accepted.

That the submissions of **Kylie Mason** [83.6] and **Ruth Fletcher** [100.5] be accepted in part. Those parts of the submissions which are recommended to be accepted relate to undertaking a shading modelling exercise. Those parts of the submissions which are not recommended to be accepted relate to changing or deleting the proposed amendment.

### **Reason**

- Shading diagrams show that there is only a marginal difference from the imposition of a 45 degree recession plane in comparison to 37.5 degree plane.
- The shading difference is not considered to have the potential to create any greater effects from the effects associated with a 37.5 degree recession plane.
- It is not agreed that the proposed amendment will adversely affect daylight and sunlight access for neighbouring properties.
- The benefits of the proposed amendment outweigh any costs.
- It is not considered appropriate to exclude front yards from the recession plane control, nor to calculate the control from the opposite side of the road.
- While there are merits of excluding service structures from recession plane controls, there is also the potential for adverse effects to be created. Further research and investigation is therefore considered necessary before such an amendment can be considered.

## **4.9. SITE COVERAGE**

### **4.9.1. General**

#### **Submissions**

**John Pfahlert** [5.4] supports the change to the site coverage requirements.

**Helen Vercoelen** [6.1] supports the proposed Plan Change provided proposed amendments are made.

**Henry Steele** [43.2] opposes the changes to the site coverage requirements. A number of floods have affected the Waiwhetu and Awamutu streams. Floods are made more severe due to increased run-off from further building, infill housing and

increase in impervious surfaces. Increased density will increase flood risk in Waiwhetu and Awamutu catchments. Amendments appear to give Council discretion to permit high density housing almost anywhere. This is not acceptable. High density housing provisions should not include stream/river catchment areas (from Naenae, through to Waiwhetu to Moera) where increase in stormwater run-off poses an increased flood risk. Stormwater management in the Design Guides with a requirement for low impact designs should be included.

**Kevin Collins** [47.10] and [47.13] comments that coverage calculations should exclude the thickness of all claddings that are not supported by a foundation. Roof overhang dimensions for the purpose of site coverage calculations should be taken from the outside line of the framing in the same manner in which yard setbacks are proposed to be measured. It should also exclude fascia, bargeboard and any spouting.

**Waiwhetu Stream Working Group** [52.9] opposes the changes to the site coverage requirements. It will increase amount of higher density in the Waiwhetu and Awamutu stream catchments, increasing flooding risk, with no mitigation requirements. As a result of amendments, in effect it means high density development can happen anyway. Oppose the piecemeal approach that would be allowed to high density development.

**Graeme Lester Lyon** [79.6] and **Petone Planning Action Group** [99.12] comment that the proposed blanket 400m radius/5 min walking distance is too generic. May not be appropriate to have a solid mass of higher intensity development all around any town centre. Thought needs to be given to building types, shapes, and sizes that might work in particular places.

**Tom Bennion** [170.5] *supports the submission by Petone Planning Action Group and seeks that the submission be allowed.*

**Jane Johnston** [96.4] requests that greater site coverage be provided for more units within a lot. The maximum ought to be set at 50% or 60% and the Design Guides strengthened to ensure appropriate onsite treatments and offsite connectivity and coherence. She comments that there is no rationale provided for the 40% site coverage. Why not 50% or 60%? The 40% ought to be a minimum footprint if the intention is to achieve intensification of people and housing choice.

**Ruth Fletcher** [100.6] opposes the changes to the site coverage requirements and requests that the proposed deletion of the last paragraph relating to the exclusion of decks be not accepted and that the reference to the area of decks be deleted. The proposed change is likely to have most impact on single level properties and property owners wishing to develop decks to take advantage of views.

**R J & B M Deller** [101.2] opposes the changes to the site coverage requirements as the provisions will facilitate higher density development.

**Gaye Langridge** [102.5] and **Tui Lewis** [103.5] oppose the changes to the site coverage as communities need more information.

**Sue Lafrentz** [149.4] opposes the changes to the site coverage requirements and does not agree that site coverage be increased to 40% from 35%.

### **Discussion**

The proposed changes to the site coverage provision are for clarification or are consequential to another change. There is no proposed change to the amount of maximum site coverage area. Most submitters make comments about the coverage amount and this is therefore outside the scope of the proposed Plan Change.

While it is outside the scope of the Plan Change, coverage was considered as part of the review of the residential provisions and it was considered that it should not be increased in order to maintain the character and amenity of the residential areas.

Greater flexibility has been provided by not requiring a minimum net site area for development of 3 or more dwellings while placing greater emphasis on compliance with bulk and location controls and consistency with the design guidelines.

A submission was also received seeking that coverage calculations exclude the thickness of all claddings that are not supported by a foundation and exclude fascia, bargeboard and any spouting. Further, that roof overhang dimensions for the purpose of site coverage calculations be taken from the outside line of the framing. As detailed above the Plan Change does not result in any change to the site coverage provisions. As such this submission is outside the scope of the Plan Change and cannot be considered through this process.

Issues raised in submissions in relation to stormwater runoff and flooding are dealt with under section 4.18.2 of this report, in relation to decks are dealt with in under 4.4.1, and in relation to Higher Density Residential Areas are dealt with in under 4.17.2 and 4.18.2 of this report.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

### **Recommendation**

That the submissions by **Henry Steele** [43.2], **Kevin Collins** [47.10] and [47.13], **Waiwhetu Stream Working Group** [52.9], **Graeme Lester Lyon** [79.6], **Jane Johnston** [96.4], **Petone Planning Action Group** [99.12], **Ruth Fletcher** [100.6], **R J & B M Deller** [101.2], **Gaye Langridge** [102.5], **Tui Lewis** [103.5] and **Sue Lafrentz** [149.4], and further submission of **Tom Bennion** [170.5] be rejected.

That the submissions of **John Pfahlert** [5.4] and **Helen Vercoelen** [6.1] be accepted.

### **Reason**

The Plan Change only results in a consequential change to the site coverage provisions and does not alter the maximum building coverage area.

## **4.10. PERMEABLE SURFACES**

### **4.10.1. General**

#### **Submissions**

**John Pfahlert** [5.2] requests that better justification of the 30% permeable surfaces requirement is provided before it is adopted. Landscaping and amenity can be provided with permeable surfaces as low as 10%.

**Wigley & Roberts Ltd** [12.5] supports the permeable surface requirement. They understand that 40% of site can be used for site coverage which leaves a balance of 60%, half of which has to be in a permeable surface.

**Housing New Zealand Corporation** [27.8] supports the permeable surface requirement. 30% permeable surfacing is considered to be sufficient to ensure on-site amenity is maintained. However, the requirement should be no higher than 30% as this may impact on the ability to provide practical dwelling sizes and access legs.

**Henry Steele** [43.1] submits that minimum permeable areas are necessary and that the minimum area should be increased to 40% for all zones.

**Waiwhetu Stream Working Group** [52.5] request that the minimum area be increased to 40%.

**Waiwhetu Stream Working Group** [52.6] seek that urban density and impermeable surfaces provisions only be provided as permitted activities where mitigation is provided. They submit that the City's rivers and streams are likely to be adversely affected. By increasing residential densities and increasing levels of impermeable surfaces there will be an overall increase in stormwater run-off, with resulting increases in inputs such as sewage, sediment and pollutants entering streams and an increase in the likelihood of flooding.

**East Harbour Environmental Association Inc** [60.3] supports the definition of and provisions for permeable surfaces.

**Graeme Lester Lyon** [79.1] submits that a minimum of 30% permeable area (with permeable decks included) is a positive move.

**Regional Public Health** [80.3] supports the permeable surface requirement. A minimum permeable surface requirement will assist the sustainable management of stormwater across the City and assist in reducing flood hazard. Also support design that incorporates designated water retention areas/swales.

**Kylie Mason** [83.12] submits that the explanation and reasoning needs to be addressed to provide guidance as to whether a proposal which did not meet this would meet the anticipated environmental outcomes sought under the Plan.

**Cuttriss Consultants** [85.4] is opposed to the permeable surface requirement. They request further commentary under the explanation and reasons to support this provision as done for net site area through to accessory buildings. They also recommend the following amendment to Policy (g):

*"To ensure ~~establish~~ that a minimum permeable surface area is established on sites to be developed to assist with the sustainable management of stormwater."*

Cuttriss Consultants submit that it is unclear how the provision would be enforceable. This is not the type of information shown on a building consent and areas could easily be covered in an impermeable surface without Council's knowledge. It would be difficult to tell which surface was new and which was existing prior to the change.

**Cardno TCB** [89.2] and [89.8] supports the intent but raise the following questions and suggestions:

- Does it apply to all forms of residential development? A common requirement of high density housing is low maintenance useable outdoor areas in all weather. On small sites 30% of the site for permeable surfaces may create lawns and gardens that are larger than required. Suggest requirement be reduced to 25% for residential development of 3 or more dwellings.
- Does it apply to all residential areas? Properties on the stony valley floor may provide suitable drainage but hill suburbs clay soil does not absorb water easily. Recommend that Council apply this requirement only to the General Residential zone and that all other residential zones are exempt from this requirement. Noted that other residential zones have higher minimum site area requirements and it is unlikely that the 35% requirement would be breached.
- What additional considerations will be required should this requirement not be met?
- Could any mitigation options be available as a permitted activity?
- How will this be regulated? Most homeowners will not realise that resource consent is required.
- No industry standard on permeable surfaces and many materials that may be considered permeable in reality are often not.



In respect of the definition, it is submitted that it refers to various surfaces that are not considered a permeable surface including any areas that fall within the definition of building coverage and decks that do not allow water to drain through to a permeable surface. However, decks over 500mm in height are now included in the definition of building. Hence it is unclear if a standard timber deck over 500m high which drains to bare earth will be considered permeable or impermeable.

**New Zealand Institute of Surveyors** [91.2] and [91.7] agrees with the principal of encouraging permeable surfaces on sites in order to reduce stormwater run-off however the definition needs refinement. Note that a permeable surface must be grassed or planted in trees. However it would be legitimate to include bare soil or gravelled or stony surfaces. Also note that items falling within the definition of building coverage are excluded. However there is no definition for building coverage. Request that allowance be made for minor pathways to be constructed.

Requirement needs to be refined and tailored for different situations. There should be varying minimum standards for a permeable surface area depending on the soil types and development density provided. Estimated impermeable areas for typical residential development as follows: 400m<sup>2</sup> – total impermeable = 65% and 300sqm – total impermeable = 72% (takes coverage, access, outdoor courtyard and other paths into consideration). The minimum of 30% in the General Residential areas could largely be achievable. However in high density areas it could be difficult to achieve. Appears to be no analysis of the impact of the new condition in the Section 32 report. Request that the minimum permeable surface area is 30% except in High Density Residential Areas where the minimum should be 25%. Also request further amendment to provide a new category within the Restricted Discretionary Activities section for when the minimum permeable areas is not provided, with accompanying matters of discretion.

**Jane Johnston** [96.3], **Gaye Langridge** [102.1] and **Tui Lewis** [103.1] and **Grant Roberts** [132.4] support the permeable surface requirement.

**Petone Planning Action Group** [99.1] supports the permeable surface requirement. A minimum 30% permeable area is a positive move. Comments that if permeable decks under 1m do not require building consent, the 500mm might not make a lot of sense.

**Tom Bennion** [170.6] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Greater Wellington Regional Council** [115.5] and [115.7] supports the permeable surface requirement. The policy should also aim to minimise stormwater runoff resulting from development as additional stormwater runoff can lead to erosion and degradation of water quality in the receiving environment. They request that the policy be reworded:

“...To minimise runoff resulting from development by using alternative design solutions such as setting aside a set minimum permeable surface area for development.”

**Nigel Oxley & Fiona Christeller** [117.4], [117.5], [117.6] and [117.10] request that provisions for meeting stormwater control by various methods or combinations of methods be included. Definition takes a very limited view of control methods for stormwater management. Other methods could be included:

1. Roof water storage tanks
2. Ground water collection tanks

The proposal may not be suitable in some situations such as a small site in a retirement complex may benefit from providing outside spaces with paved surfaces suitable for semi ambulant occupants and holding passive solar energy.

It is requested that, subject to the decision on the above, the definition is reworded:

*“Permeable Surface: any part of a site which is ~~grassed or planted in trees or shrubs and is capable of absorbing water...~~”*

It is also requested that the policy is reworded:

*“g) To establish a minimum stormwater retention capacity to assist with the sustainable management of stormwater.”*

In respect of the rule it is submitted that as currently drafted the reference to decks conflicts with definition of permeable surface if the deck is over 500mm high and is covered by the definition if under 500mm.

**Roger Bagshaw** [135.2] submits that permeable surfaces must be instituted and that site coverage must be carefully planned incorporating permeable surfaces.

**Sue Lafrentz** [149.6] submits that all developments should be designed so that there are small grassed areas to help with drainage and preventing flooding of properties.

### **Discussion**

There is considerable support in the submissions for the proposed permeable surface requirement as it is considered that it will assist the sustainable management of stormwater across the City and in reducing flood hazard. While it is generally considered that 30% is a sufficient area by some, it is also submitted that the area requirement should be increased to 40% or decreased to 25%.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

A number of submitters have requested changes to the wording of the relevant policy either to widen the use of a range of design solutions to control stormwater runoff or to provide further clarity.

Greater Wellington Regional Council suggests a rewording that would provide scope in the future for additional standards to be added to the District Plan should Council consider that desirable. Similarly Nigel Oxley and Fiona Christeller request rewording that provides for other solutions although their suggested wording requires a specific minimum stormwater retention capacity. Some concerns are also raised that it should be made clear that the requirement is only for new development.

This was not the intention of the requirement but rather that it is applicable to all activities as are all permitted activity conditions. However, a broader wording of the policy is appropriate to indicate Council's wider strategic intention.

Council is currently considering a range of sustainability measures that may be introduced in the future. The requirement for a permeable surface is a first step to assist with management of stormwater, given the potential for flooding in parts of the city.

In respect of the proposed definition for permeable surfaces, it is considered by some submitters that the definition is limited in relation to the types of surfaces that are permeable and that it is only necessary to require that the surface is capable of absorbing water rather than identifying that it is grassed, or planted in trees or shrubs. It is submitted that it ought to include soil, gravelled and stony surfaces. The intention of the definition was to provide some guidance as to some of the surfaces that would be considered permeable but as worded it excludes other surfaces by saying *“and is capable of absorbing water”*. By adding the word *“or”* to *“and”*, other surfaces are included in the definition.

Submitters also point out that the definition excludes any area that is within the definition of coverage, which would include decks over 500mm but decks are also identified in the definition as being permeable provided that they allow water to drain through. In addition it is submitted that the term “building coverage” is used and there is no definition in the District Plan for this. The correct term should be “site coverage” and rewording to clarify these points is therefore recommended.

The amount of permeable space required is questioned by submitters. It is submitted that it may result in developments with larger lawns and gardens than are required and that there is more demand for useable outdoor space that can be used in all weather. An example given is of a small site in a retirement complex where paved surfaces for semi ambulant people may be more useable or for solar gain. One submitter considers that 30% will be difficult to achieve in the Higher Density Residential Area.

The purpose of the requirement is to reduce the amount of hard surfaces and increased runoff that is resulting from current residential development. This places extra pressure on the City’s stormwater infrastructure. As such local solutions to reduce runoff are consequently advisable. At 30% pressure is taken off the stormwater system yet at the same time there is still reasonable scope for hard surfaces to be provided within a development. The proposed provisions may however require greater consideration of the design of development and choice of materials. In addition, by clarifying the definition, it means that there is broader scope for the types of surfaces that may absorb water. For example, outdoor courtyards, access and turning areas, and pathways, referred to by a submitter as being impermeable, could be in a permeable paving.

In other District Plans, 30% is commonly used as the minimum permeable surface required.

It has been suggested that the requirement should only apply to the General Residential Activity Area. It is argued that other residential activity areas have higher minimum net site area requirements and that it is unlikely that the 30% requirement would be breached. In these other activity areas, therefore, the requirement will be able to be easily met, ensuring stormwater effect are controlled.

Enforcement is raised as an issue by some submitters in that it will be difficult for the Council to monitor particularly as it is not required as part of a building consent. This is no different from other conditions in the District Plan that are not monitored as a routine but which set the standard for all development, such as noise and dust.

Questions have been raised as to what considerations will be required should the requirement not be met. Activities that do not meet the conditions of a permitted activity are Discretionary Activities (Rule 4A2.4(a)) and assessment matters are set out in that section of the Plan.

It has further been submitted that the explanation and reasoning of the relevant policy needs to include a specific explanation for permeable surfaces to provide guidance as to whether a proposal meets the anticipated environmental outcomes when the requirement is not met. Additional explanation and reasons under the policy would provide this guidance and is thus recommended.

### **Recommendation**

That the submissions of **John Pfahlert** [5.2], **Waiwhetu Stream Working Group** [52.5], **Cardno TCB** [89.8], **New Zealand Institute of Surveyors** [91.7] and **Nigel Oxley & Fiona Christeller** [117.4], [117.5], [117.6] and [117.10] be rejected.

That the submissions of **Wigley & Roberts Ltd** [12.5], **Housing New Zealand Corporation** [27.8], **East Harbour Environmental Association Inc** [60.3], **Graeme Lester Lyon** [79.1], **Regional Public Health** [80.3], **Kylie Mason** [83.12], **Cardno**

TCB [89.2], Jane Johnston [96.3], Petone Planning Action Group [99.1], Gaye Langridge [102.1], Tui Lewis [103.1], Grant Roberts [132.4], Roger Bagshaw [135.2] and Sue Lafrentz [149.6], and further submission of Tom Bennion [170.6] be accepted.

That the submission by Henry Steele [43.1], Cuttriss Consultants [85.4], New Zealand Institute of Surveyors [91.2] and Greater Wellington Regional Council [115.5] and [115.7] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to general support for the provision and the addition of an explanation. Those parts of the submissions which are recommended not to be accepted relate to a reduction/increase in the minimum permeable area amount required in Higher Density Residential Area and amendment of the relative policy.

And that the Plan Change be amended as follows:

### **3 Definitions**

**Permeable Surface:** *Any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water to drain through to a permeable surface. It does not include any area which:*

- a) Falls within the definition of site building coverage except for decks as above;*
- b) ~~Is covered by decks which do not allow water to drain through to a permeable surface;~~*
- e)b) Is occupied by swimming pools; or*
- d)c) Is paved with a continuous surface.*

#### **Rule 4A1.2.1 Site Development Issues: Building Height, Scale, Intensity and Location – Explanation and Reasons:**

##### **g) Permeable Surface**

*Provision for a minimum permeable surface area assists with Council's management of stormwater. Where there are too many hard surfaces in the City increased demand is put on the stormwater infrastructure and increases the risk of flooding.*

##### **Reason**

Reducing the impact of development on the City's stormwater infrastructure is an important consideration for the City and a permeable surface requirement is one method that will assist this.

#### **4.11. HOME OCCUPATIONS**

##### **4.11.1. General**

##### **Submissions**

**Nicholas Gabriel Ursin** [1.4] is concerned that resident's use of shipping containers is on the increase and has an effect on values and rates, particularly if on rental properties. Request that the words "or any industrial or shipping container" be added to the end of Rule 4A2.1.1(g)(viii).

**Geraldine Mary Laing** [78.2] is concerned that a commercial occupation, craft or profession will be allowed to establish on the same site as a dwelling without setting any noise, odour or time of operation restrictions. No further permitted activities should be allowed in or adjacent to residential areas as they can change from what

was initially envisaged. Requests that the amendment be deleted or that the following be imposed:

- Tight operating restrictions be applied 8am to 5pm weekdays only;
- Grant a noise waiver on the premises so that complainants do not have to wait 30 minutes after an initial noise complaint;
- Impose odour, dust and light restrictions;
- Make a condition of the sale of a property that agreement of continuance of the use is given by 3 adjoining and adjacent residents.

**Geraldine Mary Laing** [163.1] requests that a definition that NZ Standards 6801/2008 Acoustics – Measurement of Environmental Sound and 6802/2008 Acoustics – Environmental Noise shall apply to the District Plan be inserted, replacing the currently listed NZ Standards.

**Geraldine Mary Laing** [163.2] requests that the words “or motorcycles” are inserted at the end of Rule 4A2.1.1(g)(iv) being a permitted activity condition for home occupations.

**Geraldine Mary Laing** [163.3] request that an additional permitted activity condition be added after Rule 4A2.1.1(r) as follows:

*‘Waterloo Bus Depot, that area of Pt Sec 30 Hutt District located on the western side of the Wairarapa Railway line between Knights Rd and Wilford Street.*

- *Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.*
- *All permitted repair and servicing activities may only be carried out in the existing buildings and structures on the site*

**Graeme Lester Lyon** [79.7] and **Petone Planning Action Group** [99.10] consider that the parking space requirements seem over the top when multi-units are only meant to require one park per dwelling. They question where the parks are going to happen as in existing properties only the front yard may be possible for parking use.

**Tom Bennion** [170.7] supports the submission by Petone Planning Action Group and states that the proposed change would reduce residential amenity.

**Kylie Mason** [83.4] submits that while some good changes are suggested there are a couple of potential problems with the new rules. Allowing commercial activities on a site creates some tension as visitor accommodation (including bed and breakfasts) is a discretionary activity, yet is also within the definition of a commercial activity. Suggest that either visitor accommodation is removed from the definition of commercial activity or visitor accommodation is permitted up to a maximum number of people (e.g. 5) and is included within the definition of a residential activity.

**Cuttriss Consultants** [85.13] are neutral on this change.

**Nigel Oxley & Fiona Christeller** [117.11] seeks that sub clause (iii) regarding parking be redrafted or deleted. Question why the provision is required? The people working on the site could park on the road during the day and thereby retain space on the site for residential use.

### **Discussion**

The Plan Change results in a number of amendments to the permitted activity conditions for home occupations (Rule 4A2.1.1(g)). These amendments seek to achieve:

- Issues relating to the number of people working on a site;
- Impacts from home occupation activities on surrounding residential character and amenity;

- Control over traffic and parking effects associated with home occupation activities;
- Clarification that the provision relates specifically to commercial activities and not residential activities; and
- Consistency with recent case law which has found that conditions restricting the gross floor area use of a building are ultra vires.

Submissions received in relation to the home occupation provisions, including a further submission, raise the following points:

- Question why additional carparking is required.
- Concern that home occupations will be allowed to establish on the same site as a dwelling without any noise, odour or time of operation restrictions. Consequently seeks that the amendment be deleted or that the following be imposed:
  - Tight operating restrictions be applied 8am to 5pm weekdays only;
  - Grant a noise waiver on the premises for complaints;
  - Impose odour, dust and light restrictions;
  - Make a condition of the sale of a property that agreement of continuation of the use is given by 3 adjoining and adjacent residents.
- Concerned that resident's use of shipping containers is on the increase and seeks that the words "/or any industrial or shipping container" be added to the end of Rule 4A2.1.1(g)(viii).
- Inconsistencies between allowing commercial home occupation activities on a site, while visitor accommodation (including bed and breakfasts) is a discretionary activity, yet is also within the definition of a commercial activity. Suggest that either visitor accommodation is removed from the definition of commercial activity or visitor accommodation is permitted up to a maximum number of people (e.g. 5) and is included within the definition of a residential activity.
- In addition to the above, a submission was received in general support of the proposed amendments and general support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.
- Further submissions were also received from Geraldine Mary Laing which request that reference to NZ Standards in the District Plan be replaced with reference to NZ Standards 6801/2008 Acoustics – Measurement of Environmental Sound and 6802/2008 Acoustics – Environmental Noise, that the words "or motorcycles" are inserted at the end of Rule 4A2.1.1(g)(iv) and that an additional permitted activity condition be added after Rule 4A2.1.1(r). As detailed under clause 8 of the First Schedule of the Resource Management Act, further submissions can only support or oppose original submissions and cannot introduce new matters or relief sought. As the further submissions of Ms Laing introduce new points of submission they cannot be considered as part of this Plan Change. It is however recommended that these matters be added to the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process.
- Home occupation activities have the potential to impact on on-street carparking and related traffic flows and safety, particularly as a result of staff vehicles from the activity. This can be exacerbated by the use of on street-carparks by customers or clients of the home occupation activity and the parking requirements associated with deliveries of goods.
- Prior to the Plan Change, only 1 onsite carpark was required to be provided on-site for a home occupation activity, regardless of staff numbers or customer/client flows. To ensure potential adverse effects are minimised,

particularly on surrounding on-street carparking and associated traffic flows, a requirement to provide 1 carpark per staff member working on the site was proposed through the Plan Change (in addition to the carparking requirements for the residential use of the site and the existing requirement of 1 per home occupation activity). It is also considered that this is more consistent with the District Plan requirements for other commercial related activities.

- To offset any potential effect in the front yard of properties as a result of requiring a greater number of on-site carparks, it is noted that the Plan Change also introduced a standard that prevents the parking of vehicles within 5m of the front boundary.
- Rule 4A2.1.1(g)(vi) states that home occupation activities shall not involve visitors to the site between the hours of 8.00pm and 7.00am. This however does not restrict the actual hours in which the occupation can be operating on the site (that is the hours in which a person residing on the site can work on that occupation). Given the nature and general small scale of home occupation activities this is considered appropriate, particularly given that it is the impact of visitors coming and going from the site that has the potential to create adverse effects. Further, it would be impractical and unrealistic to control the hours of operation of these activities e.g. such as the use of a computer at home. As such it is not considered appropriate to restrict the hours of operation as sought in the submission above.
- Potential impacts from dust, odour, light spill and noise associated with home occupation activities are controlled through other permitted activity conditions, namely 4A2.1.1(i), (j), k) and (m). All permitted activities, including home occupations, are required to comply with all relevant permitted activity conditions. As such it is not considered necessary to specifically control these matters under Rule 4A2.1.1(g) as sought in the submission above.
- A condition restricting the sale of a property to agreement by neighbouring residents for continuation of the use is considered ultra vires and thus cannot be considered as part of this Plan Change as sought.
- It is considered that the concerns expressed with regard to shipping containers may not necessarily be related to home occupation activities, but rather residential activities in general. As a result, restricting these structures under the home occupation provision may not be entirely appropriate or effective. It is further noted that shipping containers in fact fall under the District Plan definition of Building. As such these structures are controlled through the bulk and location controls applicable to buildings in the residential activity area. It is therefore not appropriate to amend the Plan Change as sought by the submission above.
- Further to the points raised about the inconsistencies of commercial home occupation activities, small scale visitor accommodation (particularly bed and breakfast services) and the definition of commercial activity, it is noted that a commercial occupation, craft or profession as provided under Rule 4A2.1.1(g) does not have the same meaning as 'commercial activity'. They are two quite different activities, particularly with respect to nature and size. It is therefore not considered that there is an inconsistency between the definition of 'commercial activity' and those activities provided for as home occupation activities. However, it is agreed that there are inconsistencies and deficiencies in the District Plan with regards to small scale visitor accommodation. It is therefore recommended that this matter be included in the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process.

### Recommendation

That the submissions of **Nicholas Gabriel Ursin** [1.4], **Geraldine Mary Laing** [78.2], **Graeme Lester Lyon** [79.7], **Kylie Mason** [83.4], **Petone Planning Action Group** [99.10] and **Nigel Oxley & Fiona Christeller** [117.11], and further submissions of **Geraldine Mary Laing** [163.1], [163.2] and [163.3] and **Tom Bennion** [170.7] be rejected.

That the submission of **Cuttriss Consultants** [85.13] be accepted.

### Reasons

- Further submissions from Geraldine Mary Laing are outside the scope of the original submissions submitted on.
- Home occupation activities have the potential to impact on on-street carparking and related traffic flows and safety.
- Visitor hours of home occupations are currently restricted, however it would be impractical and unrealistic to control the hours of operation of these activities.
- Potential impacts from dust, odour, light spill and noise associated with home occupation activities are controlled through other permitted activity conditions.
- A condition restricting the sale of a property to agreement by neighbouring residents for continuation of the use is considered ultra vires.
- Shipping containers fall under the District Plan definition of Building and as such are controlled through the bulk and location controls applicable to buildings in the residential activity area.
- It is not agreed that there is an inconsistency between the definition of 'commercial activity' and those activities provided for as home occupation activities.

## **4.12. CHILDCARE FACILITIES**

### **4.12.1. General**

#### Submissions

- **J & D Bowles, K & R Whitmore & Others** [8.1] comment that the neighbourhood is increasingly concerned with noise and traffic problems associated with an IHC property run as a child care respite facility at 49 Brunswick St. The dwelling is not suited to IHC use due to lack of sound proofing. Noise is reverberated and amplified around the neighbourhood. The type of noise varies. Supervisor qualifications and maximum number of children per day should be modified. There are also ongoing noise problems caused by children sleeping over. Under the Plan Change there does not appear to be any guidelines pertaining to the operation of childcare facilities (including night-time) for IHC children. They seek that the requirement for a resource consent be applicable to IHC care facility type operations.

**Colleen Hurley** [16.1], **Norman Hickmott** [17.1], **Lorna Lovegrove** [18.1], **Claire Lane** [19.1], **Eleanor Wright** [20.1], **Lance Rairi** [21.1], **Margaret & David Kennedy** [136.1], **Bob Gillies** [137.1] and **David Service** [138.1] submit that problems with childcare facilities could/would ensue well below 30 children. The assessment criteria does not deal with all the issues as more general amenity and streetscape effects are likely as well as traffic, parking and noise effects. Childcare centres are not compatible in quieter residential streets. There can also be cumulative effects so stipulation of no new centres in close proximity to an existing centre is necessary. They request that more general amenity and streetscape effects have to be assessed, childcare centres for more than 5 children be full discretionary and a proximity restriction such as 250m be instituted.



**Justina Hart-Scott** [167.1], [167.2], [167.3], [167.4], [167.5], [167.6], [167.15] [167.16] and [167.17] opposes the submission by Colleen Hurley, Norman Hickmott, Lorna Lovegrove, Claire Lane, Eleanor Wright, Lance Rairi, Margaret & David Kennedy, Bob Gillies, David Service as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Megan Ellen Powell** [50.1] requests that the matters of discretion be amended to provide for the safety of children or users in the delivery and exiting of childcare facilities in residential or main road areas:

- (i) Consideration for safe drop off points where in a built up residential zone off a main road;
- (ii) The safe and efficient movement and availability for pedestrian access taking into consideration surrounding environmental factors such as main roads;
- (iii) Secure and safe drop off points. Inclusion of an inward focus taking into consideration surrounding.

**Justina Hart-Scott** [167.7] opposes the submission by Megan Powell as the provision relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Ontrack** [57.2] and [57.6] supports the Restricted Discretionary Activities provisions for childcare facilities provisions but is concerned about the sensitivity of residential environments to noise and vibration impacts often associated with rail operations. They encourage Council to provide scope within the District Plan to facilitate assessment of activities that can be sensitive to surrounding land uses.

They are opposed to the matters of discretion for childcare facilities. They consider that it is appropriate for Council to include reverse sensitivity as a matter in which Council restricts its discretion. Childcare facilities are sensitive to noise and vibration associated with normal operation of rail. They seek inclusion of an additional matter under 4A2.3.1(i) as follows:

(iv) *Reverse Sensitivity*

*Consideration shall be given to whether the noise and vibration effects arising from nearby railway operations will impact on amenity levels within the site to an unacceptable level. The proposal should include mitigation measures to avoid these effects where appropriate.*

**Justina Hart-Scott** [167.9] supports the submission by Ontrack as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Graeme Lester Lyon** [79.8] and **Petone Planning Action Group** [99.9] comment that in a residential area up to 30 children is too many. There is a major difference in noise and other effects between 5 and 30 children plus staff. Childcare centres in residential areas should be no more than 12 or 15 children and need to have at least 3m distance between outdoor play areas and neighbouring residential sites. They also need to provide all day parking for staff and parents drop off/pick up. Childcare facilities in residential areas should be full discretionary, not restricted.

**Tom Bennion** [170.8] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Justina Hart-Scott** [167.10] and [167.14] opposes the submission by Graeme Lester Lyon and Petone Planning Action Group as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Regional Public Health** [80.5] and [80.8] supports the change to the childcare facilities provisions. They comment that it will enable better management of adverse effects of early childhood centres within residential areas. It also facilitates the establishment of centres in residential neighbourhoods and discourages childcare operations from prioritising industrial and commercial sites. It also ensures residential neighbourhood needs are provided for.

In respect of the matters of discretion, they support inclusion of provisions. Also encourage centres be sited near transport hubs to reduce reliance on private vehicles. Noise of early childcare facilities in a residential area has been raised as a nuisance. However rules restricting outdoor play are not in the child's or communities best interest. While consideration needs to be given to residential neighbours, it is most important that children in childcare facilities are protected from adverse environmental conditions. They request that Rule 4A2.3.1(j)(iv) be amended as follows:

*“(iv) Noise....*

*With respect to non-compliances, consideration shall be given to any method or measure proposed to mitigate adverse noise effects of the proposal so long as it does not adversely impact on the health and wellbeing of children and staff at facilities.”*

**Justina Hart-Scott** [167.11] supports the submission by Regional Public Health as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Kylie Mason** [83.9] submits that these facilities can have a detrimental effect on the character of an area. Proposed change would not allow Council to consider character effects as it is not a matter to which discretion has been restricted. To avoid potential effects, either the number of children needs to be reduced or the restricted discretion criteria needs to be expanded to allow wider assessment of effects such as character and visual amenity. Preferably childcare centres over 5 children be listed as discretionary.

**Justina Hart-Scott** [167.12] opposes the submission by Kylie Mason as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

**Cuttriss Consultants** [85.15] supports the change to the childcare facilities provisions. They consider this is appropriate given that the matters for which discretion are restricted are generally the main issues raised in an application such as this.

**Justina Hart-Scott** [167.13] supports the submission by Cuttriss Consultants as the provisions relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.

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**Gaye Langridge** [102.4] and **Tui Lewis** [103.4] submit that childcare facilities should be fully discretionary.

### **Discussion**

Submissions received generally support the proposed change or alternatively seek amendment to it. Reasons for support include that the proposed amendment will enable better management of the adverse effects of early childcare facilities in residential areas and that the matters for which discretion is restricted, are generally the main issues raised in an application. It is further commented that it will facilitate the establishment of childcare centres in residential areas, while ensuring the residential neighbourhood needs are provided for.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

Noise is raised as an issue by submitters as it is an effect that is often cited as a nuisance. It is submitted that rules restricting outdoor play are not in the child's or community's best interest. They request that the matter for discretion relating to noise be amended so that for non-compliances, measures proposed to mitigate noise effects do not adversely impact on the health and wellbeing of the children and staff.

In considering a resource consent application Council will consider these matters and would not make a decision that would render the facility unable or unsafe to operate. This amendment is therefore not considered to be required.

A further matter for discretion is requested to address the sensitivity of childcare facilities to noise and vibration generated from other activities. This is a matter that could be of concern in locating childcare facilities in residential areas adjacent to, for example, railway lines. The submitter requests that the following wording be added as a matter for discretion:

*“(v) Reverse Sensitivity*

*Consideration shall be given to whether the noise and vibration effects arising from nearby railway operations will impact on amenity levels within the site to an unacceptable level. The proposal should include mitigation measures to avoid these effects where appropriate.”*

In assessing an application for a childcare facility, there is provision for Council to consider site layout and landscaping to ensure impacts of the activity are contained within the site. In effect, this will also mitigate effects of neighbouring activities on the site.

Concern has been raised that childcare facilities can have a detrimental effect on the character and streetscape of an area and that the provisions as proposed would not allow Council to consider this effect. It is submitted that either the number of children allowed needs to be reduced or the matters for discretion need to include assessment of effects of character and visual amenity. This matter is raised also in relation to the cumulative effects of a number of facilities locating in close proximity.

Maintenance of the character of residential areas is an objective of the General Residential Activity Area. However while the matters for discretion address impact of the activity on amenity values, currently the District Plan does not require compliance with the bulk and location standards for the General Residential Area. These standards control some aspects of character by requiring consistency of height, distance from boundary and recession planes. It is therefore recommended that childcare facilities are required to comply with relevant permitted activity conditions.

Some submitters state that the number of children provided as a restricted discretionary activity is too high and that 15-20 children should be the maximum. Also that a 3m distance between outdoor play areas and neighbouring residential sites

should be provided. Other requests are that facilities for more than 5 children should be full discretionary.

The effects of childcare facilities are identifiable and can be specified. They include site layout, landscaping, traffic and parking. It is also considered that some discretion should be exercised in relation to impact on character. For this reason, it is appropriate for Council to consider childcare facilities as a restricted discretionary activity. Where childcare facilities do not comply with the standards and terms they will then be classified as a full discretionary activity.

In relation to the number of children in a facility, the District Plan needs to be careful that it doesn't provide for activities that are fundamentally not viable. The Early Childhood Education department of the Ministry of Education reports that 30 children is the minimum for a viable facility and licenses are granted for up to 50. It is therefore recommended that 30 children is an appropriate maximum (as a restricted discretionary activity).

The standards and terms for childcare facilities directly address the effects. A requirement for a minimum distance between outdoor play areas and neighbouring residential sites is somewhat arbitrary and does not address the effect itself. For example, any proposal would need to meet the maximum noise levels set out in the District Plan and the assessment of the location of a play area would be part of the resource consent assessment.

It is requested that childcare facilities are required to provide all day parking for staff and parents drop off/pickup. In addition submitters are concerned about the safety of the users of the facilities. The District Plan requires 1 carpark per staff member and the matters for discretion require consideration of:

*"The extent to which the proposal appropriately provides for the carparking needs of the activity, without adversely affecting the carparking requirements of the surrounding area."*

Consideration of this will require assessment of all the carparking needs of the facility including the need for drop off/pick up parking and the safety of its users. Concerns of the submitters are therefore currently provided for.

Submitters have requested that there should be a 250m proximity restriction to control the proximity of childcare facilities to one another and the cumulative effects of a number of childcare facilities in a neighbourhood. In considering an application for a childcare facility the existing environment (including existing childcare facilities) is taken into account. So the traffic, parking and noise generated by an existing facility, would all be considered in assessing a new application and therefore the cumulative effects of a number of facilities would be assessed. Therefore a proximity restriction is not necessary.

Some submitters are concerned about the noise and traffic problems associated with IHC facilities. While equally valid, the issues raised in the submissions are not the same as those for childcare facilities. Further these activities are defined under the District Plan as a Residential Facility and do not fall under the definition of Childcare Facility. It is therefore recommended that this matter be included in the list appended as Attachment 3 for consideration by Council at a later stage, through a separate plan change process.

### **Recommendation**

That the submissions of **J & D Bowles**, **K & R Whitmore & Others** [8.1], **Colleen Hurley** [16.1], **Norman Hickmott** [17.1], **Lorna Lovegrove** [18.1], **Claire Lane** [19.1], **Eleanor Wright** [20.1], **Lance Rairi** [21.1], **Megan Ellen Powell** [50.1], **Graeme Lester Lyon** [79.8], **Regional Public Health** [80.8], **Kylie Mason** [83.9], **Petone Planning Action Group** [99.9], **Gaye Langridge** [102.4], **Tui Lewis** [103.4],

**Margaret & David Kennedy** [136.1], **Bob Gillies** [137.1] and **David Service** [138.1] and further submission of **Tom Bennion** [170.8] be rejected.

That the submissions of **Cuttriss Consultants** [85.15], and further submissions of **Justina Hart-Scott** [167.1], [167.2], [167.3], [167.4], [167.5], [167.6], [167.7], [167.9], [167.10], [167.12], [167.13], [167.14], [167.15], [167.16] and [167.17] be accepted.

That the submissions of **Ontrack** [57.2] and [57.6], and **Regional Public Health** [80.5], and further submission of **Justina Hart-Scott** [167.9] and [167.11] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to general support for the provision. Those parts of the submissions which are recommended not to be accepted relate to reverse sensitivity and noise.

And that the Plan Change be amended as follows:

#### **4A2.3.2 Other Matters**

**For Restricted Discretionary Activities (b) – (e) and (i):** All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

#### **Reason**

Childcare facilities are an important activity in residential areas and Council wishes to provide for small to medium sized facilities as Restricted Discretionary Activities. There are known effects generated by these activities and these can be addressed by Council exercising its discretion in relation to these matters when assessing applications. In addition, by requiring applications to comply with the permitted activity conditions, there is greater control on the potential effects of a development on the character and amenity of the area.

### **4.13. GENERAL RESIDENTIAL APPENDICES**

#### **4.13.1. General**

#### **Submissions**

**East Harbour Environmental Association Inc** [60.12] is concerned that the title “Eastern Bays Higher Density Residential areas...” could be misleading. The area is not Higher Density Residential. They seek that the title be reworded to “*Excluded areas referred to in Rules 4A2.3 and 4A2.4*”.

**Kylie Mason** [83.16] comments that proposed Appendix General Residential 16 does not clearly demonstrate how to apply maximum height and maximum overall height. A new appendix should be developed as part of the Plan Change which shows the difference between maximum height and maximum overall height.

**Cardno TCB** [89.12] seeks further improvements to the diagrams for maximum height measurement (proposed Appendix General Residential 16). The diagrams can be confusing, particularly to those unfamiliar with District Plan standards and should be amended to show more realistic building profiles. The definition for height (maximum and maximum overall) should also be simplified.

**New Zealand Institute of Surveyors** [91.9] requests that proposed Appendix General Residential 16 be replaced because the diagrams are too simplistic and do not convey the intent of the diagram. In addition, the diagrams appear to contradict with the definitions of maximum height and maximum overall height.

**Ruth Fletcher** [100.1] seeks clarification regarding the meaning of the maximum height requirements. The sketch provided in proposed Appendix General Residential 16 completely fails as an explanation.

**Nigel Oxley & Fiona Christeller** [117.14] seek that the height definitions be redrafted, that Appendix 16 be redrawn and that reference to revised “service structures’ be included in exclusions. Submit that the diagrams in Appendix 16 seem to be missing some lines and do not help clarify the meaning of the controls. Further exclusions to height controls need to refer to changes sought to the definition of Building.

**Jeff Downs** [150.2] supports deleting Appendix General Residential 15 and amending Appendix General Residential 16 in order to support Amendment 16, which amends the permitted activity condition for recession planes.

### **Discussion**

Submissions received on the General Residential Appendices relate to:

- Existing and proposed Appendix General Residential 15 relating to recession planes.
- Proposed Appendix General Residential 16 relating to maximum height.
- Proposed Appendix General Residential 17 relating to areas to be excluded from Rules 4A2.3 and 4A2.4.

The appendix relating to recession planes (proposed Appendix General Residential 15) relates to the recession plane control as detailed under Rule 4A2.1.1(c). Submissions were received with regards to the proposed amendment of this rule. As a result of discussion and recommendations on these submissions (refer to section 4.8 above), no further change of the proposed recession plane amendment is recommended. As such it is recommended that changes to the recession plane appendices be accepted as sought.

A number of submissions were received which sought that proposed Appendix General Residential 16 be amended to provide clarity on the meaning of maximum height and maximum overall height. Consequential amendments were also sought to the maximum height and maximum overall height definitions.

The Plan Change resulted in a consequential number change of the appendix for maximum height. There was no change proposed or intended to the content of this appendix. As a result submissions seeking amendment of the maximum height appendix (and related definitions) are outside the scope of the Plan Change and therefore cannot be considered as part of this Plan Change process. It is however agreed that clarification is required to the maximum height diagrams as contained in proposed Appendix General Residential 16. It is therefore recommended that the issues relating to the maximum height appendix be included in the list appended as Attachment 3 for consideration by Council at a later stage through a separate Plan Change process.

As a result of the Plan Change, it is proposed to insert a new appendix under Appendix General Residential 17 to identify areas which are referred to under Rules 4A2.3 and 4A2.4. Specifically, the intent of the new appendix is to show sites that are located within Petone, Eastern Bays and Moera General Residential Areas and Higher Density Residential Areas which are excluded from Rules 4A2.3 and 4A2.4. The text in the proposed appendix however only refers to Higher Density Residential Areas. As identified in the submission of East Harbour Environmental Association Inc this is incorrect and misleading and requires rewording. It is therefore recommended that the text under proposed Appendix General Residential 17 be amended to remove reference to the Higher Density Residential Area.

### Recommendation

That the submissions of **Kylie Mason** [83.16], **Cardno TCB** [89.12], **New Zealand Institute of Surveyors** [91.9], **Ruth Fletcher** [100.1], and **Nigel Oxley & Fiona Christeller** [117.14] be rejected.

That the submission of **East Harbour Environmental Association Inc** [60.12] and **Jeff Downs** [150.2] be accepted, and that the following amendment be made to the Plan Change:

### **Appendix General Residential 17**

~~Higher Density Residential Excluded~~ areas referred to in Rules 4A2.3 and 4A2.4.  
[Amend all four references to this sentence]

### Reasons

- As a result of discussion and recommendations on submissions relating to the recession plane provisions (refer to section 4.8 above), no further change of the proposed recession plane amendments, including appendices, are recommended.
- The text in the proposed Appendix General Residential 17 is incorrect and misleading and requires rewording.

## **4.14. DESIGN GUIDE**

### **4.14.1. General**

#### Submissions

**John Pfahlert** [5.4] supports the changes relating to the introduction of a Design Guide.

**Housing New Zealand Corporation** [27.2] and [27.10] supports the use of a Design Guide to ensure quality site design. Proposed guideline is aligned with HNZA guidelines. It is important that all higher density housing be consistent with the Design Guides to ensure quality.

**Maungaraki Community Association** [32.5] is concerned about the enforceability of the Design guide and that they do not address the special character of the area.

**Christopher Hay** [33.2] submits that the statement in Amendment 10 (policy in relation to Higher Density Residential Development) is inconsistent with Amendment 7 (policy in relation to Building Height, Scale, Intensity and Location). This raises questions of exactly what the Design Guides are supposed to achieve. Requests that Council look at clarifying the wording of the policy. Amendments 23 (Matters of Discretion for restricted discretionary activities) and 28 (assessment matters for discretionary activities) refer to different terms for Design Guides. This needs to be clarified. Are they referring to the same guidelines? Using the term neighbourhood in the guide allows too much leeway for the introduction of designs which do not reflect the character of the immediate area. The siting and layout of buildings should reflect those in the immediate vicinity. Amendment 23 should be reworded to read:

*“consideration shall be given to how the proposal complies with the [Design Guidelines]”.*

This imposes a more rigorous test than the concept of “addresses”. The guidelines should be based on several mandatory requirements (development must be in accord with the character of the immediately adjoining area). Once these have been met then there would be flexibility for the developer about siting and design within the more general parts of the guidelines. Any amendment or variation to the Design Guide must be the subject of public consultation.

**Henry Steele** [43.6] requests that Amendments 7, 8 and 10 (policies relating to the Design Guide) include stormwater management in the Design Guides with a requirement for low impact designs.

**Kevin Collins** [47.7] opposes the changes relating to the Design Guide.

**Waiwhetu Stream Working Group** [52.7] request that Stormwater and LIUDD (low impact urban design and development) be given priority in the Design Guides and that Amendments 7, 8, 10, 23 and 34 (provisions relating to design guides) be amended accordingly.

- **Ontrack** [57.1] and [57.8] opposes high density housing adjacent to the rail without consideration to amenity. It may impact on the ability to operate and maintain a safe and efficient rail network in the future. Residential environments are typically sensitive to noise and vibration impacts often associated with rail operations. Maintenance is scheduled during evenings and early morning to minimise impact to passenger and freight logistics. While infrequent, it is essential and will often have an unavoidable noise component. Opportunity to address potential reverse sensitivity effects through this Plan Change.

They do however support the changes relating to the Design Guide and comments that they should include an additional section to address acoustic privacy. While they are not the best planning mechanism to address reverse sensitivity effects it is good planning practice to include acoustic privacy in any design guide. It is much easier to address acoustic matters at the design stage rather than as remedial works. Also suggest visual privacy be included. They seek that a new section within the Design Guide to address visual and acoustic privacy be included and request the following amendment to Policy (j):

*“To establish Design Guides to control other aspects of design, such as quality of onsite amenity, visual and acoustic privacy, integration of buildings...”*

**East Harbour Environmental Association Inc** [60.4] supports the development and use of a Design Guide as a tool to manage effects on amenity. However needs to be more specific about ways in which responses to design guide recommendations can be translated into resource consent conditions. Examples provided relate to outdoor space and protection of vegetation. Failing this a minimum net site area of 300sqm per dwelling should be retained. There needs to be a minimum area required for private outdoor space as proposed in the Discussion Document where 40sqm with a minimum single edge dimension of 4m was proposed.

**Graeme Lester Lyon** [79.2] supports the development of design guides. Landscape and open areas issues need to also be addressed in terms of ensuring plentiful open space within and around high density areas and quality outdoor living areas for each residential unit.

**Regional Public Health** [80.1], [80.2], [80.6] and [80.10] supports in part the changes relating to the design guides. They comment that it is vital that all higher density developments are controlled through the use of design guides that include reference to the surrounding areas and spatial relationship between units within the development. Care also needs to be taken to ensure developments have sufficient usable outdoor leisure space. Vital design guides are given sufficient regulatory weight to ensure that future development avoids the adverse effects of ill-considered housing with low aesthetic values.

They comment that the quality of medium to high density housing and adherence to design standards appropriate to the local context is pivotal in ensuring it is both acceptable to the community and achieves health and well being gains. It is vital



design guides are given sufficient regulatory weight to ensure that future development avoids the adverse effects of ill-considered housing with low aesthetic values. Would like to see the Design Guide actively manage the quality of development and its surrounds. They request that Rule 4A2.3.1(a)(i) is amended as follows:

*“Consideration will be given to how the proposal meets the requirements of the Higher Density Design Guidelines.”*

They would like to see the Design Guide actively manage the quality of development and its surrounds. They seek that the policy be amended:

*“c) That Design Guides be developed to ensure higher density development achieves a high quality living environment that maintains and enhances onsite amenities and consistency with surrounding residential character.”*

They would like to see acknowledgment in the Design Guide of the importance of ensuring high density development improves equity of access to quality housing for Hutt City citizens. Believe that measures need to be taken in the Design Guide to ensure housing affordability is not adversely affected by higher density housing development. Involvement of communities in the design of the public spaces in the vicinity of higher density housing will be valuable to ensure surrounding amenity values are not compromised. As private outdoor space reduces in size more emphasis is needed on the provision of quality public spaces. In addition to consideration about placement of windows and doors for community safety, would like to see consideration of both quality of building fabric and window articulation in respect of neighbourhood nuisance. They request that the design guides be amended as follows:

*Aims for Higher Density Housing:*

- That everyone has access to a quality standard of affordable housing.
- Guidelines
- Quality of design and construction

*The design guide provides more visual examples of good quality design and construction solutions.*

- Fitting in the Neighbourhood

*Those communities are involved in the design of public spaces around high density housing.*

- Privacy and Safety

*That positioning of living spaces, ablution services, windows and doors of neighbouring units is designed to mitigate against nuisance from neighbourhood noise.*

**Regional Public Health** [171.2] supports the submission of Regional Public Health and seeks that the relief sought under “Fitting in the Neighborhood” is amended to read “communities are involved in the design of public spaces around higher density housing”.

**Cuttriss Consultants** [85.5], [85.6], [85.7] and [85.20] generally supports the changes relating to design guides. In respect of the guidelines they comment that no specific area requirement has been included for private outdoor space. This would provide the development community with a greater sense of certainty if the amount of space required was specified. If smaller areas are proposed then the consent can consider this. Otherwise some developers will simply do the minimum required. In addition consider that it should be a permitted activity condition applying to only the high density areas.

In relation to the policy, they seek amendment to outline what weight to give the guides and recommend the following wording:

*~~“(c) That design guides be developed to direct and encourage higher density development be encouraged where it is in general accordance with the direction provided by the urban design guide (Appendix 18) and where it maintains and enhances on site amenities and consistency with the surrounding residential character.”~~*

In addition, amendment is suggested to policy 4A1.2.1(j):

*‘establish’ be replaced by ‘To ensure that the developments are in general accordance with...’.*

**Cardno TCB** [89.10] submit that the Design Guide will provide an indication of good higher density residential development. However, as these are guidelines rather than rules it is uncertain how these will be imposed and how non-conformity will be assessed.

**Stephen James Penno** [90.1] requests that a mandatory design code is put in place of a design guide. They comment that there is a significant increase in areas available for infill housing and it is important that changes are managed carefully. The Design Guides become the major tool for managing new development and their effects. The problem is that they are only guidelines. Discretion is given to Council how the guidelines are interpreted and how they are applied. Creates risk of inconsistency and lack of transparency in approval process. Resolution is to replace with a mandatory development code. Use words such as “will” instead of “should”. Cannot risk the consequences of an inconsistent or trial and error approach.

**Jane Johnston** [96.5] comments that the Design Guide is very internal to a particular lot in question. While that serves one part of the purpose of a design guide, good quality urban design demands each lot must not be treated in isolation but must be set in its context. Very few of the lots currently zoned high density or proposed high density are of sufficient scale to warrant stand alone consideration.

She requests that the Design Guide be revised to include off site context treatment. Each lot must be developed in line with good quality urban design, not just housing design or within lot design.

**NZ Transport Agency** [97.2] supports the introduction of the Design Guide, but considers that the amenity values it seeks should also include reverse sensitivity effects of land use development on existing transportation routes. To this end the Design Guide could include methodologies that protect key transport routes from reserve sensitivity effects.

**Petone Planning Action Group** [99.2] supports the changes relating to the Design Guide. However landscape and open area issues need to also be addressed in terms of ensuring plentiful open space within and around any higher density areas. A useable outdoor courtyard area is needed for each residence with minimum dimensions. The guidelines themselves do not seem strong enough or detailed enough.

**Tom Bennion** [170.9] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Ruth Fletcher** [100.7] opposes the changes relating to the Design Guide. The provision of design guides has the potential to significantly increase the cost of resource consent applications. Gives Council significant discretion as design opinion is largely subjective. Means that resource consent applications will be subject to more uncertainty and additional costs. They seek that the Design Guide not be introduced and that a detailed cost/benefit analysis be completed which demonstrates the costs and benefits to the community, applicants and affected property owners.

**Gaye Langridge** [102.2] and **Tui Lewis** [103.2] support the changes relating to the Design Guide and comments that they need to cover landscaping and green areas for developments. They seek that the Council should discuss Plan Change 12 more with people that the areas of High Density are proposed for and will affect.

**Chilton Saint James School** [104.2] opposes the changes relating to the design guidelines. They comment that they are too general to adequately promote a satisfactory quality of residential development. There is no requirement for north orientation of dwelling units, no minimum area for private outdoor space per unit, no minimum net site area for units where 3 or more units, no consideration of effects to streetscape. Criteria proposed for Rule 4A2.4.1 (Discretionary Activities) should be included in the criteria for Rule 4A2.3.1(a) (Restricted Discretionary). The Plan Change does not include objective/ performance standards for different types of households. Does not provide for small parks to offset increased recreational demand or visual amenity among infill housing and redeveloped properties. Does not address the need for increased connectivity between schools, recreation/open space facilities and new housing.

They seek that Council should undertake structure planning and land acquisition evaluation to provide for additional open space and connections. Include open space and other designations to achieve these in areas of the General Residential Activity Area north of the Hutt Recreation Ground to the Hutt River. Rules and design guidelines for multi-unit development should include more detailed amenity measures with minimum performance measures.

**B Hogan** [113.1] comments that the Plan Change does not include the specific Design Guide referred to in the Plan Change, and therefore the public is unable to accurately or clearly establish what the anticipated environmental effects and outcomes of the proposed Plan Change will be and therefore make informed submissions. If amendments have the effect of introducing High Density Residential to that part of Petone on the northern side of Jackson Street any such amendments are opposed. They request that further consideration of the Plan Change be deferred or alternatively those components that relate to the identification of High Density Residential Areas and the development of 3 or more dwellings be withdrawn, until such time that the Design Guide is developed for consultation.

**Greater Wellington Regional Council** [115.1], [115.4] and [115.6] seek that the policy be reworded: *That design guides be ~~developed~~ used to direct and encourage.....* As the Design Guide is already developed, the wording of the policy should indicate that the guide should be "used".

It is also submitted that the policy needs to better recognise the importance of the interrelationship between development and infrastructure and request the following amendment: (i) *To establish Design Guides.....with surrounding development patterns and integration with existing infrastructure.*

The Design Guide should also include design elements that promote implementation of low impact, environmentally sustainable design as the Design Guide may apply to significant subdivisions within the existing urban footprint on either infill sites or brown field sites. They also request that the design guides be strengthened by incorporating the key low impact environmentally sustainable design elements such as:

- Minimise additional stormwater runoff resulting from development.
- Incorporate existing watercourse into a stormwater plan that uses natural drainage to reduce runoff beyond the site.
- Other suitable techniques that might also assist in reducing stormwater runoff including the use of rain tanks, rain gardens and permeable paving.
- Protect areas of native bush where possible.
- Maintain streams, watercourses and wetlands.

**Roger Bagshaw** [135.1] comments that the Design Guide must be detailed, specific and that they must be instituted.

### **Discussion**

The Design Guide is proposed to be incorporated into the District Plan as a matter to which Council restricts its discretion in considering applications for residential development of 3 or more dwellings. It is, in effect, assessment criteria to be used by designers in developing a proposal and by Council in assessing an application. As such, they are guidelines and open to interpretation; they are not standards. They do not prescribe a particular design but provide guidance on some key design considerations to ensure that development respects the character and amenity of the area.

There is support in submissions for the design guidelines as a means of achieving quality higher density housing. Some submitters request that greater emphasis is given to the provision of private outdoor space within the guidelines and that a specific area requirement would provide the development community with more certainty. There is concern that some developers will do the minimum necessary if there is no requirement.

There is a risk in that when specific dimensions are given, the area becomes the focus rather than the quality. In at least one District Plan where there have been problems achieving useable open space within developments, whether it is shared or private space, District Plans have become increasingly prescriptive and more complex in the provision of open space. The proposed design guidelines specify that each unit should have its own private open space and that it should be accessible from the main living area and that it must be useable rather than residual to the rest of the development. In addition, the proposed Plan Change requires a permeable surface requirement. This will ensure that there is at least 30% of the site that is in soft landscape and the site coverage requirement will also control the amount of open space. The provision for open space is also specifically mentioned in the matters for discretion in addition to the design guidelines, in respect of the effects on amenity values. There is therefore sufficient provision for Council to consider whether a proposed development provides adequate and useable open space.

It is submitted that higher density housing will put increased pressure on public space and that it will be important for Council to make provision for public open to provide for residents needs. It is also commented that Council should undertake structure planning and land acquisition evaluation to provide for open space and connections between facilities. This is outside the scope of the Plan Change. It is noted that Council makes provision for infrastructure needs through reserve contributions taken as subdivision occurs.

A number of submitters are concerned that it is unclear how much weight is given to the design guidelines and that there should be more specific provisions and a stronger requirement to comply with them to provide greater certainty and to give Council greater mandate to enforce compliance. The guidelines are not meant to be requirements as they are assessment criteria. By their nature they provide guidance and require designers and developers to consider how they are going to deliver the qualities required in higher density housing. It is appropriate to provide for different design solutions to issues while achieving the outcomes sought by the guidelines. To require *compliance* and the use of stronger terminology would require more prescriptive standards leading to more of a "paint by numbers" approach to design which would not provide for design responses appropriate to different contexts or the different characters of different neighbourhoods.

It is submitted that the design guidelines should be strengthened to enable consent conditions to be generated. An example given is that specific trees and vegetation should be required to be identified and that this might involve a landscape assessment of the site prior to development. The matters for discretion include

consideration of landscaping, both existing and proposed and a requirement for the preparation of a landscape plan showing, amongst other matters, the extent of vegetation to be retained. This is considered to be adequate to determine whether the assessment criteria (matter for discretion) and objectives of the design guidelines have been met and form the basis for drafting conditions of consent.

The combined assessment of the matters for discretion – how the proposal addresses the design guidelines, effects on amenity values, traffic effects, and landscaping is sufficient to provide Council with the scope to impose conditions on consents.

Some rewording of the policy has been suggested to provide some greater direction, without requiring compliance, to clarify the status of the design guidelines. Policy (c) as proposed, in Issue 4A1.1.2 Higher Density Residential Development, states:

*“That design guides be developed to direct and encourage higher density development which maintains and enhances onsite amenities and consistency with the surrounding residential character.”*

It has been suggested that this be reworded to:

*“~~That design guides be developed to direct and encourage higher density development~~ be encouraged where it is in general accordance with the direction provided by the urban design guide (Appendix 18) and where it maintains and enhances on site amenities and consistency with the surrounding residential character.”*

This suggested wording provides more direction without implying that compliance with the design guidelines is required. The words “...in general accordance with the direction...” accurately describe the status of the design guidelines.

It is also submitted that Policy (j) as proposed in Issue 4A1.2 be similarly reworded. As proposed it states:

*“To establish Design Guides to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect of open space and compatibility with surrounding development patterns.”*

It has been suggested that the word ‘establish’ be reworded to:

*“To ensure that the developments are in general accordance with...”*

The general intention of the rewording is to provide consistency with the Policy discussed above. This also provides additional clarity.

Regional Public Health (RPH) support the design guidelines and would like the words “achieves a high quality living environment” to be added to Policy (c) above. Similar wording is found in the design guidelines themselves, in the Introduction which states “...to ensure well designed quality multi-unit housing”. It is considered that reference to this in the design guidelines adequately addresses this matter and that the Policy as reworded, provides better direction in respect of consistency with the design guidelines.

Greater Wellington Regional Council (GW) seeks rewording of Policy (c) above to change the word “developed” to “used” to more accurately reflect that the design guidelines have been written. If the Committee accepts rewording as discussed above this matter is already addressed. If not, it is advisable to change it as requested.

GW would like Policy (j) of 4A1.2.1 to be amended to include reference to “*integration with existing infrastructure*”. This matter is dealt with in section 4.18.1 where it is recommended that this be added to the Objectives and Policies. It is a valid issue but it is not considered that the Policy relating to design guidelines is the most relevant policy to refer to it.

It is submitted that the wording of the two policy statements above is inconsistent and it is unclear what the design guidelines are supposed to achieve. The policies are worded differently as they are addressing different objectives. One is in relation to providing for higher density residential development and the other is about site development issues. In reading them it is necessary to see them in the context of the Objectives. It is not considered necessary to further reword the policies.

It is further submitted that there is a difference in terms for design guidelines between the matters for discretion for restricted discretionary activities and the assessment matters for discretionary activities. While they both appear to be the same they are both required to be corrected to read Design Guide for Higher Density Housing. The policies refer to “*design guides*” and this could be reworded to make clearer and consistent reference to the design guidelines by referring to them by their title “Design Guide for Higher Density Housing”. This submitter also considers that the term “*neighbourhood*” is too broad and that the design and layout of developments should reflect those on the immediate boundary and those within a certain prescribed radius of the development. The design guidelines consider the appropriateness of a development within its context and in this respect it refers to not only “*neighbourhood*”, but “*street, area, neighbouring properties and neighbours*”. This enables assessment of the proposal in relation to its immediate neighbours and the wider neighbourhood which is necessary in considering its effects.

RPH would also like the design guidelines to acknowledge the importance of improving access to quality housing for the City’s residents and seeks that the *Aims for Higher Density Housing* be amended to include:

*“Everyone has access to a quality standard of affordable housing.”*

This is outside the scope of the Plan Change and would be more appropriately addressed through the Housing Policy and the LTCCP (as referred to by the submitter).

RPH would like the following section added to the design guidelines:

*“Quality of design and construction  
The design guide provides more visual examples of good quality design and construction solutions.”*

It’s not clear what is actually sought by adding these words. However, detailed design and construction are more appropriately dealt with through building standards and guidelines.

RPH would also like added to the section on *Fitting in the Neighbourhood* a statement:

*“Those communities are involved in the design of public spaces around high density housing.”*

This is outside the scope of the District Plan but is a matter for consideration by Council in the design and implementation of its public space program.

RPH would like the section on *Privacy and Safety* amended to include the following:

*“That positioning of living spaces, ablution services, windows and doors of neighbouring units is designed to mitigate against nuisance from neighbourhood noise.”*

The Amenity Values (in matters for discretion) includes ensuring that provision is made for “*aural and visual privacy*” and the matters sought by RPH are therefore already addressed.

Ontrack is concerned about reverse sensitivity issues with high density development. This is addressed under 4.17.2 of this report. They support the provisions relating to the design guidelines and would like inclusion of reference to “*acoustic and visual privacy*” as it is good planning practice. They suggest a new section in the design guidelines and additional words in proposed Policy (j) in Issue 4A1.2.

NZ Transport Agency (NZTA) is also concerned about reverse sensitivity and suggests that the design guidelines should include reference to this in relation to amenity values. This matter is considered under section 4.17.2 of this report in relation to Ontrack's concerns. This is equally relevant to transportation routes as raised by NZTA.

The proposed policy refers to onsite amenity which would include acoustic and visual effects. For further specificity, the matters for discretion in considering the suitability of sites for higher density development in Rule 4A2.3.1(a)(ii), include under “Amenity Values”, reference to “*aural and visual privacy*”. It is therefore considered that this matter is adequately addressed.

In opposition to the design guidelines, one submitter considers that the Guide has the potential to significantly increase the cost of resource consent applications as it gives Council significant discretion as design opinion is largely subjective. They seek that a cost/benefit analysis be completed before adopting the design guidelines. Currently, Comprehensive Residential Developments require the same category of consent being a restricted discretionary activity. While there are no existing design guidelines, there are the same matters for discretion relating to effects on amenity, traffic and landscaping. No compliance is required with the bulk and location requirements of a permitted activity. The proposed design guidelines provide additional detail to the matters for discretion thereby assisting in interpreting these matters. The requirement to comply with the bulk and location requirements of a permitted activity also provides greater certainty of the parameters within which a development should be designed and will be assessed. It is not considered that there will be additional costs for resource consent applications as a result of implementing the Design Guides.

A number of submitters have requested that the design guidelines include design elements that promote low impact design, particularly stormwater management. The proposed permeable surface requirement is a first step in requiring provision for sustainability measures and the design guidelines do provide the opportunity to encourage other measures in the design of developments. Examples of the matters that could be included are:

- Orientation to the sun
- Restricting glazing on south facades
- Limiting the use of impermeable surfaces
- Use of rain tanks
- Vegetation retention.

Amendments to the policies to include reference to minimising impact on the natural environment would also add support to the design guidelines. Some recommended amendments to the design guidelines to include low impact matters is attached as Attachment 1.

It is submitted that the assessment criteria for a discretionary activity should be included in the criteria for a restricted discretionary activity (in respect of development

of 3 or more dwellings). While the wording is different between the two, the meaning and considerations are the same. In addition both require assessment of a proposal against the design guidelines which provides further detail and explanation of the criteria and matters for discretion.

One submitter considers that the design guidelines are internal to the particular lot being developed and that the context of the site needs to be considered. The design guidelines include the section "*Fitting in the Neighbourhood*" which is about considering context of the development – how it relates to its neighbours, the neighbourhood and the area. The submitter submits that the "*design guidelines include off site context treatments – each lot should be designed with good quality urban design, not just housing design or within lot design.*" It is unclear what is meant by this but the purpose of the design guidelines is to promote good quality urban design and it is applied on a site by site basis as applications are made.

One submitter considers that the design guidelines have not been "*developed*" as the policy uses this word (discussed above). This is incorrect as the design guidelines have been written.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

### **Recommendation**

That the submissions of **Maungaraki Community Association** [32.5], **Kevin Collins** [47.7], **Ontrack** [57.1] and [57.8], **Regional Public Health** [80.10] [80.6], **Stephen James Penno** [90.1], **Jane Johnston** [96.5], **Ruth Fletcher** [100.7], **Gaye Langridge** [102.2], **Tui Lewis** [103.2], **Chilton Saint James School** [104.2], **B Hogan** [113.1] and **Greater Wellington Regional Council** [115.6], and further submission of **Tom Bennion** [170.9] be rejected.

That the submissions of **John Pfahlert** [5.4], **Housing New Zealand Corporation** [27.2], [27.10], **Henry Steele** [43.6], **Graeme Lester Lyon** [79.2], **Regional Public Health** [80.1], [80.2] and **Cuttriss Consultants** [85.5], [85.6], [85.7] and [85.20], and **Greater Wellington Regional Council** [115.4] and further submission of **Regional Public Health** [171.2] be accepted.

That the submissions of **Christopher Hay** [33.2], **Waiwhetu Stream Working Group** [52.7], **East Harbour Environmental Association Inc** [60.4], **Cardno TCB** [89.10], **NZ Transport Agency** [97.2], **Petone Planning Action Group** [99.2], **Greater Wellington Regional Council** [115.1] and **Roger Bagshaw** [135.1] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to general support for the provisions, clarifying the terminology used in relation to Design Guide and inclusion of some elements of low impact design.

Those parts of the submissions which are recommended not to be accepted relate to weighting given to the Design Guide and reference to integration with existing infrastructure and wording.

And that the Plan Change be amended as follows:

#### **4A1.1.2 Local Area Issues – Higher Density Residential Development**

##### **Policies**

- (c) ~~That design guides be developed to direct and encourage higher density development~~ be encouraged where it is in general accordance with the direction provided by the Design Guide for Higher Density Housing (Appendix 18) and which maintains and enhances on site amenities and consistency with the



surrounding residential character and minimises impact on the natural environment.

#### **4A1.1.2 Local Area Issues – Higher Density Residential Development**

##### **Explanation and Reasons**

The Plan will manage the effects of higher density development by managing site layout, building height, bulk, and site coverage and landscaping through the use of permitted activity standards. Other aspects of design such as quality of onsite amenity, landscaping, integration of buildings with open space, compatibility with surrounding development patterns and low environmental impact will be managed through the use of Design Guides.

#### **4A1.2.1 Site Development Issues – Building Height, Scale, Intensity and Location**

##### **Policies**

- (j) To ~~establish~~ ensure that the developments are in general accordance with the Design Guides for Higher Density Housing (Appendix 18) to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns and low environmental impact.

#### **4A2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms**

##### **(a) Residential development of 3 or more dwelling houses.**

- (i) *Design Guidelines:*

*Consideration shall be given to how the proposal addresses the ~~Higher Density Housing Design Guidelines~~ Design Guide for Higher Density Housing (Appendix 18).*

#### **4A2.4.1 Assessment Matters for Discretionary Activities**

- (c) *With respect to residential development of 3 or more dwelling houses consideration shall be given to:*

- (i) *How the proposal addresses the ~~Higher Density Housing Design Guidelines~~ Design Guide for Higher Density Housing (Appendix 18).*

**Design Guide** – amend as per Attachment 1.

##### **Reason**

The Design Guide is an advisory tool providing additional design criteria to the matters for discretion as part of the District Plan provisions. As such mandatory compliance is not appropriate. Additional matters relating to low environmental design will encourage developers to consider measures to make their designs more sustainable. Rewording of the policies as recommended will more accurately reflect the role of the design guidelines.

## **4.15. FINANCIAL CONTRIBUTIONS**

### **4.15.1. General**

#### **Submissions**

**Nicholas Gabriel Ursin** [1.7] submits that a maximum amount is helpful but inflation reduces this on a continuing basis. It also covers commercial and industrial developments which should be subject to higher contributions because of their effects.

**Wigley & Roberts Ltd** [12.6] submit that the changes give advantages to high value land within the centre of the City. Seeks amendment so that reserve contributions are set at a flat rate of 5% over the entire urban area of the city to make it more equitable to all parties. Agrees with the amendment for rural areas.

**Claire Jackson** [22.1] seeks a refund of the money she has paid for a two-lot subdivision in general rural area. Agrees with proposed amendments for the rural residential areas, yet the rural areas are not included. Relief is sought as it is a unique situation, being the only one in general rural area to pay the fee.

**Tyrell Close (Dan Jackson) & Kathryn Wylie** [40.1] oppose the proposed amendment as the rural area cannot subdivide less than 40 acres. They seek their money back as it was not in the District Plan when they paid a rural contribution.

**Ken Jackson** [49.1] supports the change in part, that being that \$5000 is a set contribution in rural residential areas. They seek that the rural areas be deleted from paying any reserve contribution or as a compromise make \$4000 a set contribution in rural areas.

**Cheryl McCullagh** [75.1], **Cardno TCB** [89.13] and **New Zealand Institute of Surveyors** [91.10] support the proposed amendment to the financial contributions provisions. Cheryl McCullagh states that it is not consistent as it stands.

**Kylie Mason** [83.5] submits that further thought needs to be given to the changes and the potential ramifications which would arise if the changes go through. The Plan Change would result in expansion of higher density areas, and the increase in the number of smaller properties. With smaller properties it is more difficult for people to provide for their external recreation needs and thus demand and expectations for Council Parks increases. By limiting reserve contribution to \$10,000 per urban allotment you are assuming an average price of \$133,000 which is a relatively low land value. Resulting effect would be the developer does not pay the full price of the demand on recreational services. Better way would be for a percentage calculation to be maintained for urban areas but a capped limit on rural areas which do not create a large demand for recreational activities. Also seeks that consideration be given to the removal of the retail and commercial impact fees as these are now covered by the development contributions. Leaving the fees in results in double dipping.

**Cuttriss Consultants** [85.21] supports the change but consider that further investigations need to be undertaken to back up the changes. No justification or analysis has been provided. This change was not signalled in initial consultation. Needs to be some transparency regarding summarising existing reserves stocks, outlining what improvements could be made and where further acquisitions are proposed to justify the changes. Based on current information do not believe this would be a defensible position.

**Jane Johnston** [96.13] supports the proposed change, however the section needs to clarify these will be required for subdivisions and not for developments.

**Brian Thomas Desmond** [105.1] supports a maximum dollar value for reserve contributions. It is appropriate to acknowledge the differentiation between rural and rural residential subdivisions. Seeks that the change be adopted; that a reduced maximum rate (of \$2000) for rural subdivision be introduced; that Council review the levies paid during the last 12 months by rural developers; that these contributions be recalculated fairly based on the above amendment sought; and that Council refund the difference to those rural developers affected.

**John & Julie Martin** [108.1] seek that the rule be amended to exclude the word "dollar" as the current wording is ambiguous.

## **Discussion**

The Plan Change proposes to amend the provisions for financial contributions relating to reserves (Rule 12.2.1.7) by introducing a maximum dollar amount for the contribution of \$10,000 per allotment in residential activity areas and \$5000 per allotment in rural activity areas.

The amendment of provisions for financial reserve contributions was proposed as a means of alleviating the following issues:

- The way the rule has been applied has changed as a result of differing interpretations over time;
- Lack of differentiation provided in the rule between the needs of rural and residential users;
- Imbalance in the application of a percentage value method between rural and residential lots; and
- Changes and variations in land values since the provision was introduced are not reflected in the current approach.

Submissions received on the proposed amendment make the following comments:

- Inflation reduces the maximum amount on a continuing basis.
- The maximum amount covers commercial and industrial developments which should be subject to higher contributions because of their effects.
- The changes advantage areas containing higher value land within the centre of the City and do not address equity across the city.
- The rural areas are not included.
- Oppose the change as the rural area cannot subdivide less than 40 acres.
- The existing rule is not consistent as it stands.
- Further thought needs to be given to the changes and the potential ramifications.
- With an increase in higher density areas and number of smaller properties, demand and expectations for Council Parks increases.
- Contribution assumes an average land price of \$133,000 which is a relatively low. Resulting effect would be the developer does not pay the full price of the demand on recreational services.
- No justification or analysis has been provided and the change was not signalled in initial consultation.
- Needs to be some transparency regarding existing reserves stocks, outlining what improvements could be made and where further acquisitions are proposed to justify the changes.
- Appropriate to acknowledge the differentiation between rural and rural residential subdivisions.

Submissions seek the following relief:

- That a reduced maximum rate (of \$2000) for rural subdivision be introduced.
- Amendment of the rule so that reserve contributions are set at a flat rate of 5% over the entire urban area of the city.
- That a differentiation be provided between rural and residential areas.
- That a percentage calculation be maintained for urban areas, but a capped limit apply to rural areas.
- That the rural areas be deleted from paying any reserve contribution.
- That Council review the levies paid during the last 12 months by rural subdivides and a refund be paid on these contributions.
- Further thought and further investigations be required on the changes.
- Clarification in the rule that the contribution applies to subdivisions and not developments.
- That the rule be amended to exclude the word "dollar".
- Consideration be given to the removal of the retail and commercial impact fees.

For clarification it is noted that the amendment of the financial contribution relating to reserves relates only to residential activity areas and the rural areas, which includes the Rural Residential Activity Area. It does not relate to Commercial or Business Activity Areas.

Funding through financial reserve contributions represent a significant source of income annually for Council enabling parks and reserves capital projects to proceed. Without the funding from these contributions, many new developments/land acquisitions would be either deferred or not funded. Projects targeted for funding from the contributions are generally those for which population growth can fully or partially justify development, enhancement or upgrading. Open Space projects reliant on financial reserve contributions in the 2009 – 2019 LTCCP include:

<b>Area</b>	<b>Cost</b>	<b>Year</b>
Avalon Park Development	\$236,000	2016
Days Bay Wharf Entrance Development	\$111,000	2012
Holborn Drive Reserves Drainage	\$177,000	2016
Hugh Sinclair BMX Park	\$75,000	2010
Hutt Park Development	\$300,000	2010
Kelson Sports Ground	\$211,000	2012
Korohiwa Development	\$100,000	2010
Memorial Park synthetic turf	\$538,000	2010 & 12
Waiu Street MTB Facility	\$451,000	2010 – 19
Making Tracks implementation	\$467,000	2014 – 17
Otonga School playing field	\$211,000	2012
Percy Scenic Reserve	\$337,000	2010 & 14
Petone Foreshore improvements	\$709,000	2015 & 17
Poto Road Reserve Development	\$211,000	2012
Rugby World Cup Hutt Rec improvements	\$350,000	2010
Sports Ground synthetic training areas	\$448,000	2014
Te Whiti Park changing sheds	\$1,310,000	2017 & 18
Trafalgar Park bollards	\$20,000	2010
Trafalgar Park toilets and fence	\$246,000	2012 & 15
Tutukiwi Orchid House improvements	\$185,000	2010
Walter Mildenhall Upgrade	\$215,000	2012 & 13
Walter Nash Reserve Upgrade	\$378,000	2015 7 16
Whiorau Reserve Development	\$215,000	2012 & 13
<b>TOTAL</b>	<b>\$7,501,000</b>	

The Council Parks and Gardens Division anticipate additions to this list as Council reworks project priorities in future Annual Plan and LTCCP rounds. For example, the proposed \$825,000 upgrade to Riddiford/Civic Gardens is not on the list but is a key component of Making Places, adopted by Council in July 2009.

In addition, it is also tentatively considered that the following three indoor facility projects might be funded from financial reserve contributions:

Walter Nash Stadium Upgrade	\$4,000,000	2011 & 12
Huia Learn to Swim facility	\$1,093,000	2012
McKenzie Pool replacement	\$1,240,000	2010
<b>TOTAL</b>	<b>\$6,333,000</b>	

The Councils Parks and Gardens Division, as the agency responsible for the provision and management of the City's parks and reserves, have assessed the impact of the proposed Plan Change amendment of the financial reserve contribution

provision. To assess this Council officers have analysed information from 2007/08 subdivision consents granted, where the subdivision was complete, a reserve contribution was required and full information was at hand. This involved a total of 209 new allotments. It is noted that the property market was buoyant and the year was not a typical one.

In summary, the income was sourced city-wide and from most activity areas. The average financial reserve contribution per new allotment was \$4249. The lowest contribution per allotment was \$970 which represented a series of small lots developed in a retirement village style, where land and significant landscaping was also provided as part of the contribution. The largest contribution for a new allotment in the General Residential Activity Area was \$20,000.

Further to this analysis, Council Parks and Gardens officers consider that capping financial reserve contributions in the residential activity area at \$10,000 is unlikely to make any significant difference to income, as this figure is well above the average per allotment contribution income previously received for all areas in the City, regardless of the activity area.

The reality is that the capping method will only come into play where new lots are created in areas with high land values. The implication of capping in these areas would however be to reduce funds available to purchase land in such areas to provide public open space as development becomes more intensive. The cost of providing open space in these areas is consequently higher as land is more expensive. Reserve contributions for such areas consequently need to be higher to accommodate this, unless land purchases are funded by other means, such as local levies, rates or borrowing.

Capping financial reserve contributions in the Rural Activity Area at \$5,000 is also unlikely to make any significant difference to income because the number of subdivisions from the Rural Activity Area is proportionally very low. However, the Parks and Gardens Division believe that the current method of assessing the contribution is unfair because it is assessed across the entire area of the new allotment being created.

Further, Council's ability to secure reserve contributions in the form of cash is likely to be compromised by capping rural area contributions at \$5,000. This is a serious consideration because Rural and Rural Residential Activity Areas offer Council the most opportunity to acquire land at the perimeter of the City to improve ecological connections and expand existing natural areas, such as the East Harbour Regional Park.

If financial reserve contributions are to be capped at a maximum amount, the capped amount needs to be reviewed and adjusted annually to allow for inflation and change in property values. While the review of this can occur annually, ideally at the time the LTCCP is reviewed, the adjustment of the maximum amount will need to be amended through a Plan Change process. This is considered a rather lengthy and costly process for such an adjustment and does not provide any assurance that the amount will be adjusted as regularly as necessary.

Finally, any change to the reserve contribution provisions constitutes an amendment to the LTCCP and therefore would also need to be notified as an amendment to the LTCCP if it came into force before 2010. If the proposed amendment to the reserve contribution provisions was to go ahead it is therefore advisable that this part of the Plan Change come into effect after 1 July 2010.

Having come to the conclusion that the proposed introduction of a maximum amount for financial reserve contributions in most Residential and Rural Activity Areas will not make a significant difference to Councils income, it is however not considered that the proposed Plan Change amendment is appropriate. Reasons for this include:

- In high land value residential areas, the maximum financial reserve contribution amount is likely to be triggered. This, in conjunction with the fact that land is more expensive in these areas, will compromise the ability of Council to acquire additional land as public open space in such areas.
- In rural areas, Council's ability to negotiate contributions in the form of cash will be compromised.
- The method of assessing reserve contributions across the entire area of a new rural allotment is considered unreasonable.
- Maximum financial reserve contribution amounts need to be reviewed and adjusted annually. While a review can be undertaken annually, the District Plan process does not allow for a change to occur easily.

For these reasons it is recommended that the proposed Plan Change amendment relating to financial reserve contributions not be proceeded in its present form and that further investigation and research be undertaken into alternative options. This should include determining the most appropriate and equitable method for calculating financial reserve contributions, particularly in rural areas, taking into consideration the issues raised above and in submissions received. It is consequently recommended that the issues relating to the financial reserve contributions be included in the list appended as Attachment 3 for consideration by Council at a later stage, through a separate plan change process.

The submission relating to the removal of retail and commercial impact fees is outside the scope of the Plan Change and therefore cannot be considered as part of this process. It is therefore recommended that these matters be added to the list appended as Attachment 3 for consideration by Council at a later stage, through a separate plan change process.

Finally, relief sought in submissions which seek refunds on contributions paid to date are outside the scope of this Plan Change and need to be addressed through other Council processes.

### **Recommendation**

That the submissions of **Claire Jackson** [22.1], **Ken Jackson** [49.1], **Cheryl McCullagh** [75.1], **Cardno TCB** [89.13], **New Zealand Institute of Surveyors** [91.10], **Jane Johnston** [96.13], **Brian Thomas Desmond** [105.1] and **John & Julie Martin** [108.1] be rejected.

That the submissions of **Nicholas Gabriel Ursin** [1.7], **Wigley & Roberts Ltd** [12.6], **Tyrell Close (Dan Jackson) & Kathryn Wylie** [40.1], **Kylie Mason** [83.5] and **Cuttriss Consultants** [85.21] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to undertaking further review and investigation of the options available to improve the current calculation of financial reserve contributions. Those parts of the submissions which are recommended not to be accepted relates to accepting the Plan Change amendments as proposed and making further changes to the proposed amendment.

And that the Plan Change be amended as follows:

#### **12.2.1.7 Rules - Financial Contributions relating to reserves**

- (a) *Where the subdivision results or will result in an increase or an intensification of use of land, whether for residential or commercial or industrial activities, the reserve contribution shall be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment, ~~to provide a maximum dollar contribution of \$10,000 per allotment created in residential activity areas or \$5,000 per allotment created in rural activity areas.~~*

## Reason

- In high land value residential areas, the maximum financial reserve contribution amount is likely to be triggered. This, in conjunction with the fact that land is more expensive in these areas, will compromise the ability of Council to acquire additional land as public open space in such areas.
- In rural areas, Council's ability to negotiate contributions in the form of cash will be compromised.
- The method of assessing reserve contributions across the entire area of a new rural allotment is considered unreasonable.
- Maximum financial reserve contribution amounts need to be reviewed and adjusted annually. While the review can occur annually, the District Plan process does not allow for a change to occur easily.

## **4.16. PARKING STANDARDS**

### **4.16.1. General**

#### Submissions

**Leonard Kane** [10.8] and **Kenneth & Belita Pereira** [13.8] oppose the change.

**New Zealand Institute of Surveyors** [91.11] and **Jane Johnston** [96.11] support the change to the parking standards.

**Housing New Zealand Corporation** [27.13] supports the change to the parking standards. Requiring 2 car parks is onerous and could inhibit effective site design. HNZC considers 1 car park per dwelling is acceptable to meet the needs of residents.

**Megan Ellen Powell** [50.2] submits in relation to educational services that it allows no inward focus for the provision of the safety for children or users in the delivery and exiting of child care facilities in residential or main road areas. Suggest allowing drop off points within grounds instead of focus on staff parking. They seek:

- Consideration for safe drop off points where in a built up residential zone off a main road;
- The safe and efficient movement and availability for pedestrian access taking into consideration surrounding environmental factors such as main roads;
- Secure and safe drop off points. Inclusion of an inward focus taking into consideration surrounding traffic and delivery and pick up of children when adjacent to main roads.

***Justina Hart-Scott** [167.8] opposes the submission of Megan Powell as the provision relating to childcare centres will be effective in controlling potential adverse effects and efficiently provides for residential amenity needs in combination with the need for childcare facilities in appropriate locations. The rule will achieve the purpose of the Plan Change and the RMA.*

**East Harbour Environmental Association Inc** [60.10] opposes the change as 2 car parking spaces per dwelling is more realistic given current patterns of car ownership per household. 1 car park per dwelling will result in loss of amenity through increased parking on the street. They seek that development of 3 or more dwellings should be required to provide 2 off street car parks per dwelling.

**Graeme Lester Lyon** [79.11] and **Petone Planning Action Group** [99.11] submit that one parking space per dwelling is not necessarily going to be sufficient. Young adults plus parents own cars and there can be work plus private vehicles. As public transport system is far from perfect this relaxation could cause problems in the future.

***Tom Bennion** [170.10] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.*

**Kylie Mason** [83.13] comment that there is a conflict between the carparking requirement for subdivision and construction of a second dwelling. The Plan requires 2 carparks are provided onsite for new dwellings. This should be worded so that 2 onsite carparks are provided on the net site area for each respective dwelling. Would bring the construction of a second dwelling in line with the subdivision requirements and would close the loophole associated with people providing carparking in unsuitable locations and then trying to subdivide in the future where carparking is unable to be provided.

**Cuttriss Consultants** [85.22] support the change as it is consistent with encouraging the use of public transport and walkability of residential area.

**Cardno TCB** [89.14] supports the change as it allows increased flexibility in such developments and reflects market trends for single garages in multi-unit developments.

**NZ Transport Agency** [97.3] supports the reduced car parking requirements for multi-unit housing. Such a requirement will help encourage greater use of public transport, cycling, walking and car pooling and thus help reduce reliance on the private motorcar.

**Ruth Fletcher** [100.8] opposes the change as it is unfair to development of single or two dwelling units or homes and income. A single unit requires two carparks. A two unit property will require four carparks increasing to six if used for home occupations yet a three unit site comprising rental properties with unlimited number of occupants will only require three carparks. They seek that the change not be accepted or further amend the carparking requirements to make it more equitable for single and two dwelling properties.

**Chilton Saint James School** [104.4] oppose the change. They comment that the Plan Change should provide for traffic and parking effects of high density housing in Waterloo Road and Knights Road vicinities and the need for on-site drop off and pick up areas associated with day care facilities and the need for on-site visitor parking where there are more than 3 units per site. They seek that:

- Criteria be included to address the adequacy of vehicle and pedestrian access proposed for new residential development of 3 plus unit development.
- Staff parking is required for educational facilities to a ratio of 1 space per full time staff members, delete requirement for parking for students 16 years and over.
- Consideration of a reduction in parking requirements within the Chilton campus is provided for.

**Ruth Margaret Gilbert** [139.5] submits that all new developments should require space for 2 cars per dwelling. This reflects current trends of 2 car households.

### **Discussion**

Currently the District Plan requires that 2 carparks per dwelling be provided for Comprehensive Residential Developments. The Plan Change proposes to reduce this requirement to 1 carpark per dwelling where there are 3 or more dwellings on a site.

The proposed change is supported by submitters as it is consistent with encouraging the use of public transport and walkability of residential areas, provides more flexibility in developments and reflects market trends for single garages in multi-unit developments. It is also stated that 2 carparks is onerous and could inhibit effective site design.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.



Submissions opposing the reduction consider that it does not reflect the current trend of car ownership of at least 2 cars per household and that it will result in more on street carparking, thereby impacting on residential amenity. It is also submitted that it is unfair to new single dwellings where 2 carparks are required per dwelling and an additional carpark if it is a home occupation.

The purpose of reducing the carparking requirement for 3 or more dwellings is to be consistent with the intent of higher density housing to encourage walking, use of public transport and good onsite amenity. The proposed change intends to encourage this type of housing. Requiring 2 carparks per dwelling would not meet the objectives of the District Plan, would restrict the flexibility of design, and would make achieving the objectives of the Design Guide and the District Plan rules more difficult.

Higher density housing is different from that typically provided for in the General Residential Activity Area, where higher car ownership is likely as a result of family homes on larger sections. It is anticipated that higher density housing will not necessarily be attractive to larger families but rather smaller households with two or three people with reduced car ownership.

Chilton Saint James School are opposed to the change. They consider that the District Plan should provide for traffic and parking effects of higher density housing, on-site drop off areas for day care facilities and on-site visitor parking for sites with 3 or more dwellings. They seek a new criterion to address vehicle and pedestrian access for higher density housing, deletion of the requirement for carparking for students and consideration of a reduction in parking requirements for the school.

The matters for discretion for considering a development of 3 or more dwellings include traffic effects, which in turn includes provision for pedestrians. This enables the concerns of the submitter to be addressed. Carparking for educational facilities is outside the scope of this proposed change.

Another submitter also comments on the traffic and parking in relation to childcare facilities. This matter is addressed under section 4.12.1 of this report. As a result of this discussion no amendment is considered necessary to the minimum parking standards.

A submitter raises an anomaly in the District Plan between the carparking requirement for new dwellings and the carparking requirement for subdivision. It is recommended that this be added to the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process, as it is not a matter that was considered as part of this Plan Change.

There are a number of reference errors in the Plan Change documents that require consequential amendment. Rule 4A2.3.2 Other Matters, as amended in the Plan Change, reads:

***“For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b)-(m) and (n) excluding only Chapter 14A relating to Transport.”***

The numbering of the permitted activity conditions was altered in the Plan Change as a result of other amendments. This however was not reflected accurately in this provision. As a result the rule should read:

***“For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b)-~~(m)~~ and ~~(n)~~ excluding only Chapter 14A relating to Transport.”***

In addition to this error, the exclusion of Chapter 14A should also have been deleted. This is a result of amending the carparking requirements under Appendix Transport 3 of Chapter 14A. Further to this, the rule should therefore read:

***“For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b)-(m) ~~and (n)~~ excluding only Chapter 14A relating to Transport.”***

Finally, the parking standards in Appendix Transport 3 were amended to reflect the change in terminology in the residential activity areas from ‘comprehensive developments’ to ‘3 or more dwellings houses on any single site’. While the term ‘comprehensive development’ was only applicable to the residential activity areas, the new term ‘3 or more dwellings’ is a general term that could be applied to any zone. The amended parking standard under Appendix 3 is however only intended to be applicable to the residential activity areas. As a result clarification needs to be added to avoid misinterpretation of the provision.

### **Recommendation**

That the submissions by **Leonard Kane** [10.8], **Kenneth & Belita Pereira** [13.8], **Megan Ellen Powell** [50.2], **East Harbour Environmental Association Inc** [60.10], **Graeme Lester Lyon** [79.11], **Kylie Mason** [83.13], **Petone Planning Action Group** [99.11], **Ruth Fletcher** [100.8], **Chilton Saint James School** [104.4] and **Ruth Margaret Gilbert** [139.5], and further submission **Tom Bennion** [170.10] be rejected.

That the submissions by **Housing New Zealand Corporation** [27.13], **Cuttriss Consultants** [85.22], **Cardno TCB** [89.14], **New Zealand Institute of Surveyors** [91.11], **Jane Johnston** [96.11] and **NZ Transport Agency** [97.3] and further submission of **Justina Hart-Scott** [167.8] be accepted.

And that the Plan Change be amended as follows:

#### **4A2.3.2 Restricted Discretionary Activities - Other Matters**

***For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) - (m), ~~and (n)~~ excluding only Chapter 14A relating to Transport.***

### **Appendix Transport 3**

#### **Minimum Parking Standards**

<i>ACTIVITY</i>	<i>PARKS</i>	<i>UNIT</i>
<i>RESIDENTIAL</i>		
<i>3 or more dwelling houses on any single site <u>in the Residential Activity Areas</u></i>	<i>1</i>	<i>dwelling</i>

### **Reason**

The proposed carparking requirements for 3 or more dwellings are appropriate to achieve the objectives for higher density residential development.

## **4.17. RESIDENTIAL DEVELOPMENT**

### **4.17.1. Comprehensive Residential Development**

#### **Submissions**

**John Pfahlert** [5.4], **Cardno TCB** [89.9] and **Jane Johnston** [96.7] support the change to remove the term from the District Plan.

**Cutriss Consultants** [85.3] submits that comprehensive development of a site is a widely understood concept but the current definition is relatively misleading and perhaps it is better to delete it as proposed.

### **Discussion**

There is support for the removal of the term Comprehensive Residential Development as the concept of multi-unit housing is proposed to be dealt with differently through the Plan Change.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

### **Recommendation**

That the submissions of **John Pfahlert** [5.4], **Cutriss Consultants** [85.3], **Cardno TCB** [89.9] and **Jane Johnston** [96.7] be accepted.

### **Reason**

The term Comprehensive Residential Development is to be replaced with other terminology for multi-unit development as a result of this proposed Plan Change.

## **4.17.2. Residential Development of Three or more Dwellings/Infill Housing – General**

### **Submissions**

**Anne Alexandra Williamson** [15.1] is opposed to the change. The current infrastructure cannot cater for the increase in dwellings and consequent population. The Council cannot afford the infrastructure upgrade. How does the Council envisage the changes will benefit the City? They seek that Council reconsiders and amends the proposed density of dwellings within the Hutt City Council boundaries.

**Housing New Zealand Corporation** [27.9] submits that as a result of the amendment this rule will become stricter, controlling three or more dwellings as opposed to 5 or more. Requests that the amendment does not become more onerous. While it is likely to result in a higher number of resource consents, it is also likely to ensure responsible development is occurring. Considers the restricted discretionary activity status appropriate. They seek clarification on how the amendment results in the benefits outlined on page 114 of the Section 32 report.

**Christopher Hay** [33.1] submits that infill housing without the mandatory requirement for the retention of exiting trees, vegetation and open space does not meet the purpose of the RMA. Council should ensure that this is taken into account through a specific requirement in the District Plan or Design Guides.

**Henry Steele** [43.3] is opposed to the change. A number of floods have affected the Waiwhetu and Awumutu streams. Floods are made more severe due to increased run-off from further building, infill housing and increase in impervious surfaces. Increased density will increase flood risk in Waiwhetu and Awumutu catchments. Amendments appear to give Council discretion to permit high density housing almost anywhere. This is not acceptable. High density housing provisions should not include stream/river catchment areas (from Naenae, through to Waiwhetu to Moera) where increase in stormwater run-off poses an increased flood risk.

**Kevin Collins** [47.6] supports residential development of 3 or more units but the wording could be clearer with regards to not having to comply with the 400m<sup>2</sup> net site area. Seems harsh if you are only planning 2 units.

**Ontrack** [57.3] is opposed to the change. With increasing demand for rail services combined with expectations for higher levels of living amenity, the potential for

reverse sensitivity effects to impact on rail operations is of concern. They seek an additional assessment criteria under Rule 4A2.3.1(a) as follows:

*“(v) Reverse Sensitivity*

*Consideration shall be given to whether the noise and vibration effects arising from nearby railway operations will impact on amenity levels within the site to an unacceptable level. The proposal should include mitigation measures to avoid these effects where appropriate.”*

**East Harbour Environmental Association Inc** [60.9] oppose the change. Provision for 3 or more dwellings on a site has great potential to undermine residential amenity over large parts of the City. Such development will not just be confined to high density areas. Once application gains consent under discretionary processes the environment is modified and approval of subsequent non-complying applications is more easily granted. Adverse cumulative effects are generated. These effects could be moderated if the net site areas provision were retained for development of 3 or more dwellings in the General Residential Activity Area. They request that a minimum net site area of 400m<sup>2</sup> should be specified for multi-unit development within the General Residential Activity Area.

**Lesley Sutherland** [64.1] opposes the proposal to relax the criteria for in-fill housing in Hutt City.

**Lesly Sutherland** [155.1] further submits that she does not support proposed Plan Change amendment and seeks that the Plan Change be left as it is.

**Lawrence Sutherland** [65.1] comments that they would rather keep the District Plan as it is or possibly even tighten the criteria for infill-housing.

**Nada & Paolo Ryan** [66.1] and **Clayton J Davison** [67.1] oppose high density infill housing. Reduced property side effects and residents amenity values and this will stop the attraction for families in the area with there being no advantage over buying in built up Wellington City.

**Regional Public Health** [80.4] supports the change for residential development of three or more dwellings as it removes the anomaly in which multi-unit developments of between 3 and 5 houses was not previously covered in the District Plan.

**Gerard Bourke & Trish Coley** [84.1] oppose the change as they consider that it will result in many negative effects on residents. Issues include: infrastructure is struggling; current water shortages; greater water run-off resulting in more flooding; increase in social issues; reduction in areas for children to play in safe environment; traffic issues; character of older established areas would be destroyed; and reduction of distance of building from the boundary.

**Cuttriss Consultants** [85.14] supports the changes. Also it should be made clearer in the discretionary activity rule that no minimum site area applies in relation to the development of three or more dwellings.

**Cardno TCB** [89.9] supports the provision for residential development of 3 or more dwellings on any site (with exception of the excluded areas). It is more common for developments to consist of 3 or 4 units rather than 5 or more.

**New Zealand Institute of Surveyors** [91.8] supports the change.

### **Discussion**

There is support and opposition for the proposed provisions relating to higher density residential development specifically, residential development of 3 or more dwellings as a restricted discretionary activity and consequential amendment of the matters of

discretion. Opposition to the provisions is generally concerned with potential effects on the amenity of the residential area, impact on infrastructure and flooding effects.

The reasons for support are that it removes the minimum net site area and that developments of 3 or 4 units are more common than 5 (as required by the Comprehensive Residential Development provisions).

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

It is requested that the provisions specify that no minimum net site area is required. The exclusion of having to meet the minimum net site area requirement is implemented through reference to Other Matters (Rule 4A2.3.2) that are relevant to the Restricted Discretionary Activities. These refer to compliance with relevant permitted activity conditions. For residential development of 3 or more units, the condition relating to minimum net site area is not referred to in this rule. Reference to this could be made in the rule itself, although the District Plan is consistent in the way it references back to the permitted activity conditions under Other Matters Rule 4A2.3.2. In planning a development reference needs to be made back to other relevant conditions. It is not considered necessary to make this amendment as sought.

Housing New Zealand Corporation is concerned that the proposed rule is stricter as it controls 3 or more dwellings rather than 5 or more. Currently it is quite difficult to achieve 5 or more units on a site to achieve the status of a Comprehensive Residential Development which was also a restricted discretionary activity. The proposed provisions intend to encourage development of 3 or more units by not requiring a minimum net site area but also aim to improve the quality of these developments by the application of design guidelines. The submitter states that while it is likely to result in a higher number of resource consents, it is also likely to ensure responsible development is occurring. This is consistent with the intentions of the proposed change.

They also seek clarification on how this amendment results in the benefits outlined in the Section 32 analysis. This analysis states that the benefits are:

- Reduction in compliance costs for landowners.
- Greater flexibility for landowners and developers.
- Will not result in any additional adverse effects being created.

This means that under the provisions relating to Comprehensive Residential Developments, it is difficult to achieve the number of units required and applications therefore generally become full Discretionary Activities for less than 5 units. The tests for this class of activity are more difficult to achieve than a restricted discretionary activity. The proposed provisions provide more flexibility for developers to achieve a multi-unit development while the District Plan requires more compliance with the conditions of a permitted activity and consistency with design guidelines. Overall a better quality of development is likely to result.

There is concern that the higher density provisions will place too much pressure on existing infrastructure. This is discussed under section 4.18.2 of this report.

It is submitted that there should be a specific requirement or reference in the Design Guide for the retention of existing trees and vegetation. Trees and planting are an important component of the character and amenity of Hutt City and their retention in new development is desirable. For this reason it is already included in the matters for discretion in iv) Landscaping:

*“The extent to which landscaping is incorporated within the overall proposal and existing vegetation is retained to mitigate any adverse effects which may arise...A*

*landscape plan is to show the extent of the vegetation to be retained and the extent of planting to be undertaken.”*

This matter of existing vegetation is therefore adequately addressed in the proposed provisions.

There is opposition to the proposed change on the basis that the reduction in site sizes will affect residents' amenity values and this will stop the attraction for families living in the area. It is further submitted that the heritage of the city is one of the garden city and higher density housing will destroy this and that it will not provide for the needs of most families and will trigger social problems. Submitters consider that higher density housing should be provided for in locations that will not adversely affect residential areas.

A general submission from Ronda Coyle [74.1] in opposition to the Plan Change as a whole also opposes provisions for high density housing.

The intention of the provision for higher density housing is to provide for greater housing choice in areas close to centres. The conditions and standards and terms for development of 3 or more houses and the Design Guide specifically aim to protect residential amenity and ensure that new development respects this and is satisfactorily located within the area.

There is concern that once consent is given to an application that the existing environment will be modified and approvals to non-complying applications will be more easily granted. The purpose of extending the higher density provisions around centres is to identify areas where this type of development is appropriate. Over time there may be more multi-unit development in these areas and the existing environment may therefore be modified. However, all applications are restricted discretionary activities and require a resource consent. The matters to which Council has restricted its discretion are amenity values, traffic effects, landscaping and design guidelines. In assessing the effects of the application, the cumulative effects will also be considered. So while the environment may be modified overtime there is also consideration to the increased adverse effects that may arise, such as increased traffic, and subsequent applications will be assessed on this basis. In addition, the extent to which the application meets the objectives and policies of the District Plan must be assessed. These address matters of residential character and amenity and provide Council with the necessary basis from which to consider the suitability of an application. The proposed provisions therefore provide adequate scope for these concerns to be addressed.

Submissions request that the minimum net site area of 400m<sup>2</sup> be retained in the General Residential Area for development of 3 or more dwellings. The appropriateness of not requiring a net site area is discussed in section 4.5.1.

Ontrack is concerned about the location of high density housing adjacent to rail facilities and the potential for reverse sensitivity effects. They seek that a further matter for addressing reverse sensitivity be added to the matters for consideration. This is a valid concern, particularly as Higher Density Residential Areas are located around major public transport routes. However, the matters for discretion do provide for consideration of effects on amenity which includes *aural and visual privacy*. In assessing any application, Council will need to take into account the location of the site, its proximity to its neighbours and the wider context. This provides Council with adequate scope to address the effect of locating adjacent to rail operations.

Reference by a submitter that the amendments appear to give Council discretion to permit high density housing almost anywhere is addressed under section 4.17.4 of this report.

### Recommendation

That the submissions of **Anne Williamson** [15.1], **Christopher Hay** [33.1], **Henry Steele** [43.3], **Ontrack** [57.3], **East Harbour Environmental Association Inc** [60.9], **Lesley Sutherland** [64.1], **Lawrence Sutherland** [65.1], **Nada & Paolo Ryan** [66.1], **Clayton J Davison** [67.1] and **Gerard Bourke & Trish Coley** [84.1], and further submission of **Lesly Sutherland** [155.1] be rejected.

That the submissions of **Regional Public Health** [80.4], **Cardno TCB** [89.9] and **New Zealand Institute of Surveyors** [91.8] be accepted.

That the submission of **Housing New Zealand Corporation** [27.9], **Kevin Collins** [47.6] and **Cuttriss Consultants** [85.14] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to activity status. Those parts of the submissions which are recommended not to be accepted relate to the provision being more onerous and reference to no minimum net site area in the Rule.

### Reason

The intention of the Plan Change is to enable development of 3 or more dwellings on a site in identified higher density residential areas. The current provisions relating to 5 or more units do not facilitate good development and the proposed change introduces design guidelines to encourage developments that respect and are compatible with existing residential character and amenity.

#### **4.17.3. Residential Development of Three or more Dwellings – Within Petone, Eastern Bays and Moera**

##### Submission

**Housing New Zealand Corporation** [27.12] comments that this amendment would mean that any residential development of 3 or more dwellings within particular General Residential Activity Areas and within Higher Density Residential Areas is a discretionary activity. This does not seem to promote and is not consistent with other amendments proposed. They seek that clarification is provided on why residential development of 3 or more dwellings has a higher activity status within the Higher Density Residential Areas than within General Residential Activity Areas.

**Graeme Lester Lyon** [79.10] and **Petone Planning Action Group** [99.3] agree that development of 3 or more dwellings in Petone, Eastern Bays and Moera residential areas should be fully discretionary.

**Tom Bennion** [170.11] *supports the submission by Petone Planning Action Group and seeks that the submission be allowed.*

**Cuttriss Consultants** [85.18] is neutral on this provision. It is understood that Petone will be the subject of a future plan change tailored more specifically. This rule makes intensification more difficult in Eastern Bays and Moera. The reasons for excluding these two areas are not apparent and should have been explained further in the Section 32. Note that Moera is already largely high density and is well connected to public transport and walkable facilities. Eastern Bays has both a bus and ferry service and various walkable facilities. Perhaps the assessment matters need to further to provide guidance as to why this distinction has occurred. Due to lack of explanation it is difficult to say whether we can or cannot support the changes.

**Gaye Langridge** [102.3], **Tui Lewis** [103.3] and **Roger Bagshaw** [135.3] support the provision. Development of 3 or more dwellings in Petone, Eastern Bays and Moera General Residential Activity Areas and Higher Density Areas should be fully discretionary.

## Discussion

There is support for the exclusion of Petone, Eastern Bays and Moera General Residential and High Density Residential Activity Areas from the provisions for 3 or more dwelling houses as restricted discretionary activities and provision for this activity in these areas as a full discretionary activity.

This is questioned as it appears to be inconsistent with the promotion of higher density areas.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

It is noted that Moera is already higher density and is well connected to public transport and walkable facilities. The Eastern Bays have bus and ferry services and walkable facilities.

The intention of the proposed change was to exclude Petone from the restricted discretionary status for 3 or more dwelling houses as it is subject to a separate planning exercise that is running concurrently with this Plan Change. To include it would have pre-empted the outcome of that work.

Moera was excluded because Council is currently reviewing its heritage inventory and while not yet formally identified, Moera has heritage value due to its large collection of Railway cottages. Again it would pre-empt the outcome of this work to include it as a higher density area at this stage. In addition, the site sizes are quite small in Moera and are unlikely without site amalgamation to be attractive for multi-unit development.

The Eastern Bays were excluded because apart from Eastbourne centre itself, the areas don't have good walking access to facilities. The higher density area in Eastbourne is also characterised by small sites and unlikely without site amalgamation to be further developed. Development of 3 or more units is provided for as full discretionary activities so that wider matters can be taken into consideration.

## Recommendation

That the submissions by **Housing New Zealand Corporation** [27.12] and **Cuttriss Consultants** [85.18] are rejected.

That the submissions of **Graeme Lester Lyon** [79.10], **Petone Planning Action Group** [99.3], **Gaye Langridge** [102.3], **Tui Lewis** [103.3], **Roger Bagshaw** [135.3] and further submission of **Tom Bennion** [170.11] be accepted.

## Reason

The areas have been excluded on the basis that separate planning exercises are being carried out that may result in a different outcome in relation to intensification. Moera and Eastern Bays are additionally excluded as the site sizes are predominantly too small for intensification without amalgamation and Eastern Bays is also excluded as, with the exception of Eastbourne, there are not centres with walkable facilities.

### **4.17.4. Residential Development of Three or more Dwellings – On any site/Outside the Higher Density Residential Area**

#### Submissions

**Nicholas Gabriel Ursin** [1.5] submits that existing areas are already being unreasonably extended. This rule should be reviewed and given more consideration in relation to traffic and parking as can see repetition of traffic and parking problems at schools. They request that the clause is deleted. If not then applicants should be



required to prove or show that existing services such as sewage, waste water and off-street parking can cope with proposed development.

**Housing New Zealand Corporation** [27.11] supports the provision. Many of HNZN tenants do not own vehicles and therefore ease of access and proximity to public facilities is an important consideration for higher density developments.

**Henry Steele** [43.4] and **Waiwhetu Stream Working Group** [52.10] oppose the provision. A number of floods have affected the Waiwhetu and Awamutu streams. Floods are made more severe due to increased run-off from further building, infill housing and increase in impervious surfaces. Increased density will increase flood risk in Waiwhetu and Awamutu catchments. Amendments appear to give Council discretion to permit high density housing almost anywhere. This is not acceptable. High density housing provisions should not include stream/river catchment areas (from Naenae, through to Waiwhetu to Moera) where increase in stormwater run-off poses an increased flood risk.

**Ontrack** [57.5] supports the provision. Council's stance to integrate suburban residential development with public transportation facilities aligns with the NZ Transport Strategy. Consideration should also be given to safety within corridors and walk/cycle ways. They seek additional wording under 4A2.3.1(b)(i) as follows:

*"In addition to the above, on any site located within the Higher Density Residential area... are accessible within safe and reasonable walking distances."*

**Graeme Lester Lyon** [79.9] comments that the rule reads as though there could be 3 or more dwellings on any residential site. Needs to be deleted. Alicetown needs to be left out totally or it should be designated a character area with protection against demolition of houses built before 1930. Alicetown is a gateway to Petone from the north and is very close in character to Petone.

**Regional Public Health** [80.7] opposes this provision in that the Plan Change already proposes a sizeable increase in the number of sites designated High Density Residential, without needing to extend this to more outlying areas. Discretionary permission of developments outside his area will not achieve aims for compact urban form that have driven this change. They request that the amendment is deleted.

**Kylie Mason** [83.7] has concerns about the enforceability of Rule 4A2.3.1(b). The rule provides no certainty as to whether an application is restricted discretionary or not and is open to interpretation. Provides no strong guidance and would be impossible to determine whether an application meets the criteria.

**Cuttriss Consultants** [85.16] supports the provision. This would be a positive change as it enables properties outside the high density area to be considered, thus allowing for more reflection on site specific unique circumstances than currently existing.

**Cardno TCB** [89.11] opposes the Council's consideration of public transport facilities and non-residential services on the grounds that it appears to favour those sites close to facilities with less regard to the Design Guide criteria.

**Petone Planning Action Group** [99.13] comments that the rule reads as if there could be 3 or more dwellings on any residential site in the Hutt and needs to be deleted. Enlarges the scope for higher density residential developments anywhere in the Hutt.

**Tom Bennion** [170.12] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Greater Wellington Regional Council** [115.8] supports the inclusion of a new matter of consideration for residential development of 3 or more units outside the Higher Density Residential Area. However this matter is not linked to a policy that sets out the outcome to be achieved by giving consideration to this matter. They request that a new policy be added:

*“(d) To encourage any residential development of three or more units outside the Higher Density Residential Area (i.e. the additional sites as proposed by proposed plan change12) to be located within reasonable walking distances to transport facilities, non-residential services and retail activities.”*

**Nigel Oxley & Fiona Christeller** [117.12] submit that the provisions for 3 or more dwellings seem to assume that it will be applied to low income areas and require that facilities are within walking distance. While it would be nice if everyone could easily walk to the local shops it is not a provision we impose on all developments. It is submitted that this will be used by a range of developments. They seek that the new matter to be considered in relation to residential development of 3 or more dwelling houses on sites located outside the Higher Density Residential Area (Rule 4A2.3.1(a)(b) be deleted and that clause (c)(iii) from Assessment Matters for Discretionary Activities be deleted.

### **Discussion**

There is support for the additional matter for discretion for development of 3 or more dwellings on sites located outside the higher residential area (Rule 4A2.3.1(b)). Reasons for support state that it allows for more consideration of site specific circumstances than currently provided and proximity to public transport for those without private vehicles is an important consideration. Of those supporting the provision, a link to a policy is sought and additional wording is sought to stress that walking routes need to be safe.

However, there is more opposition than support to this provision. The reasons for opposition are that increased density will increase flood risk in Waiwhetu and Awamutu catchments, that the Plan Change already proposes a sizeable increase in the Higher Density Residential area and it will not achieve the aims for compact urban form that have driven this change. It is further submitted that the rule provides no certainty or strong guidance and it would be impossible to determine whether an application met the criteria.

In respect of the need for an additional policy, the existing policies cover the proximity to transport routes and commercial centres. The matter for discretion specifies *reasonable walking distances to transport facilities, non-residential services and retail activities* which the submitter requests as wording in the policy. It is not considered that repetition of the words is necessary in the policy as the intention is already expressed.

Adding the word “safe” before “walking distances” in the matter for discretion is not considered to add meaning in the context of the District Plan. The identification of walking distances has relied on safe walking routes along footpaths but apart from that the District Plan cannot control how people use accessways. It is also up to interpretation as to what is considered safe.

It is submitted that the amendment appears to give Council discretion to permit high density housing almost anywhere and that this is not acceptable and that this matter for discretion should be deleted. In addition it is requested that Alicetown be excluded from the higher density areas or be designated as a character area.

The intention of the Plan Change is to focus growth and intensification in areas close to centres and transport routes. These areas have been identified and objectives and policies have been developed to deliver on this intent and the direction of the

Wellington Regional Strategy. However, the provisions are less clear in their delivery on these objectives in that Rule 4A2.3(a) provides for 3 or more dwellings on any site (with the exceptions of Petone, Moera and the Eastern Bays). The only distinction is the additional matter for discretion for those sites outside the Higher Density Residential Area. The submitters are concerned that that rule applies to all residential sites, which it does. There is also concern that the matter for discretion for other sites is too uncertain. To address these concerns and to better deliver on the strategic direction, it is recommended that a clearer distinction is made between the Higher Density Residential Area and other areas.

While submitters seek deletion of the provision for 3 or more dwellings outside the areas identified as higher density residential areas, there is a misunderstanding that removal of 4A2.3.1(b)(i) will result in the removal of the provision for such development in these areas. This would not meet the intentions of their submission but would mean all sites within the General Residential Area would have the same matters for discretion as those within the Higher Density Residential Activity Area, while still allowing development of 3 or more units on any site, including outside the Higher Density Residential areas. In order to meet their concerns a consequential amendment would need to be made that removed the provision for development of 3 or more dwellings outside the Higher Density Residential Area as a restricted discretionary through amendment of Rules 4A2.3(a). As a result these developments would be a full discretionary activity. Rewording of 4A2.3 (a) would also need to specify that development of 3 or more dwellings was a restricted discretionary activity in the Higher Density Residential Area (rather than all sites).

Two submitters seek the deletion of the matter for discretion on the basis that it is too restrictive and that being within walking distance of shops and facilities is too onerous for all developments. The matter as proposed is intended to make a distinction between the areas that Council wishes to encourage more intensification and areas outside the Higher Density Residential Area by requiring a further matter for consideration. As discussed above though, it is recommended that a clearer distinction is made to better meet the intention of the objectives between the Higher Density Residential areas and other residential areas. As such the matter of discretion is no longer required and is recommended to be deleted from the Plan Change.

Discussion on the inclusion of Alicetown within the Higher Density Residential Areas is detailed under section 4.18.6 of this report.

General support for the proposed amendment is also submitted by Wigley & Roberts Ltd as detailed under section 4.1.1 of this report.

### **Recommendation**

That the submissions of **Housing New Zealand Corporation** [27.11], **Ontrack** [57.5], **Cuttriss Consultants** [85.16], **Cardno TCB** [89.11], and **Greater Wellington Regional Council** [115.8] be rejected.

That the submissions of **Nicholas Gabriel Ursin** [1.5], **Henry Steele** [43.4], **Waiwhetu Stream Working Group** [52.10], **Graeme Lester Lyon** [79.9], **Regional Public Health** [80.7], **Kylie Mason** [83.7] and **Petone Planning Action Group** [99.13], and further submission of **Tom Bennion** [170.12] be accepted.

That the submission of **Nigel Oxley & Fiona Christeller** [117.12] be accepted in part.

That part of the submission which is recommended to be accepted relates to the deletion of the matter for discretion. That part of the submission which is not recommended to be accepted relates to amendment of assessment matters for full discretionary activities.

And that the Plan Change be amended as follows:

#### **4A2.3 Restricted Discretionary Activities**

- (a) Residential development of 3 or more dwelling houses ~~on any site within the Higher Density Residential Area, excluding sites located within Petone, Eastern Bays and Moera General Residential Activity Areas and Higher Density Residential Areas as shown in Appendix 17.~~

#### **4A2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms**

- ~~(b) Residential development of 3 or more dwelling houses on sites located outside the Higher Density Residential area~~

- ~~(i) In addition to the above, on any site located outside the Higher Density Residential area consideration shall be given to whether public transport facilities and non-residential services such as education facilities, places of assembly, medical and emergency facilities and retail activities which provide for residents daily needs, are accessible within reasonable walking distances.~~

#### **Reason**

Removal of the provision for 3 or more dwellings on sites other than those in the Higher Density Residential Area as restricted discretionary activities provides a clearer delivery of the strategic direction and the objectives and policies of the District Plan and provides greater certainty for landowners, developers and Council staff.

#### **4.17.5. Residential Development of Three or more Dwellings – Discretionary Activity Assessment Matters (Rule 4A2.4.1(c))**

##### **Submissions**

**Nicholas Gabriel Ursin** [1.6] requests that places of assembly be deleted from Rule 4A2.4.1(c)(iii) Assessment Matters for Discretionary Activities with respect to residential development of 3 or more dwellings.

**Henry Steele** [43.7] opposes the provision on the basis of the comments above in 4.17.4 and seeks the same relief regarding flooding effects.

**Waiwhetu Stream Working Group** [52.8] request that stormwater management be included as part of the assessment criteria. An opportunity has been lost in the Plan Change and as a result the City's rivers and streams are likely to be adversely affected. By increasing residential densities and increasing levels of impermeable surfaces there will be an overall increase in stormwater run-off, with resulting increases in inputs such as sewage, sediment and pollutants entering streams and an increase in the likelihood of flooding.

**Ontrack** [57.7] recommends that for consistency within the Plan, the same approach taken to Amendment 24 be adopted. Proposed change will encourage safety. The rule should be amended to read:

*“(iii) Whether public transport facilities..., are accessible within safe and reasonable walking distances.”*

**Regional Public Health** [80.9] does not believe the Design Guide is comprehensive enough to ensure high quality urban development. The assessment matters must explicitly include consideration of the quality and accessibility of pedestrian networks in the area as well as access to quality open and green spaces. Pedestrian prioritised networks support social cohesion, mental wellbeing and physical activity. The importance of green and open space to wellbeing will increase as density increases. The phrase ‘within 5 minute walk’ would be consistent with standards in the NZ Urban Design Protocol. They request that Rule 4A2.4.1(c) be amended as follows:

- “(i) How the proposal meets the requirements of the Higher Density Housing Design Guidelines.*
- (ii) ...*
- “(iii) Whether public transport facilities, high quality pedestrian networks and green space, and non-residential services such as education facilities, places of assembly, medical and emergency facilities, and small retail activities which provide for residents daily needs, are accessible within 5 minutes walk.”*

**Greater Wellington Regional** [115.9] supports new assessment criteria for Discretionary Activities which considers the availability of public transport facilities, non-residential services and retail activities.

### **Discussion**

There is support for the proposed discretionary activity assessment matter for residential development of 3 or more dwellings as it considers proximity to public transport facilities, non-residential services and retail activities. Additional wording to qualify that walking distances must be “safe” is sought and this matter is discussed above in section 4.17.4. The same comments apply in respect of this provision.

It is submitted that the matter in relation to design guidelines should be reworded so that consideration will be given to:

*“How the proposal meets the requirements of the Higher Density Design Guidelines.”*

The assessment matter as proposed refers to:

*“How the proposal addresses the Higher Density Design Guidelines.”*

The submitter considers the design guidelines are not comprehensive enough to ensure a high quality outcome. The design guidelines are not standards but are to be used to guide the design of development. They are subject to a range of interpretations as is appropriate in design and a rigid approach is not appropriate to ensure a high quality outcome.

The submitter also seeks the inclusion in the assessment matters, of proximity to:

*“high quality pedestrian networks and green space within 5 minutes walking distance.”*

These are important qualities of a successful public environment and worthy of consideration. Open spaces are local destinations and a vital part of the neighbourhood as are the other activities listed in the assessment matter. The submitter requests that the word “green” be used to describe “space” but this would preclude consideration of proximity to hard surfaced spaces such as tennis courts and skateparks, which are valid recreation areas in a neighbourhood. It is therefore recommended that proximity to these two facilities be added to the assessment matters.

While the 5 minute walking distance has been used to define the Higher Density Residential Area, its inclusion in the assessment criteria provides less flexibility which is not consistent with the approach taken in considering applications under this provision. Hence it is not appropriate to include this.

A request has been made that stormwater management be included as an assessment criterion when considering an application for 3 or more dwellings under the discretionary activity provisions. While this is a valid concern it is a matter that is

dealt with at the time of subdivision and is also addressed through the introduction of permeable surface provisions and is thus not considered necessary.

A submitter requests that places of assembly be deleted from the list of activities that that are included as being relevant to the consideration of appropriateness of the location of higher density housing. Places of assembly are one of a number of activities that contribute to the vitality of a neighbourhood. They are listed as an example of non-residential services, proximity to which would be relevant in considering suitability of higher density housing.

Further, a submission from Nigel Oxley & Fiona Christeller as detailed under 4.17.4 of this report seeks the deletion of clause (c)(iii) from Assessment Matters for Discretionary Activities.

### **Recommendation**

That the submissions by **Nicholas Gabriel Ursin** [1.6], **Henry Steele** [43.7], **Waiwhetu Stream Working Group** [52.8] and **Ontrack** [57.7] be rejected.

That the submissions by **Greater Wellington Regional** [115.9] be accepted.

That the submissions by **Regional Public Health** [80.9] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to inclusion of reference to high quality pedestrian networks and open space. Those parts of the submissions which are recommended not to be accepted relate to inclusion of reference to 5 minutes walking distance.

And that the Plan Change be amended as follows:

#### **4A2.4.1 Assessment Matters for Discretionary Activities**

(c) *With respect to residential development of 3 or more dwelling houses consideration shall be given to:*

...

(iii) *Whether public transport facilities, high quality pedestrian networks and open space and non-residential services such as education facilities, places of assembly, medical and emergency facilities and small retail activities which provide for residents daily needs, are accessible within reasonable walking distances.*

### **Reason**

- Open spaces, together with other amenities, are an important facility within the community.
- The impact on the City's infrastructure is an important consideration in assessing the suitability of a site.

## **4.18. HIGHER DENSITY RESIDENTIAL AREAS**

### **4.18.1. Provisions**

#### **Submissions**

**Neil Cook McKenzie** [9.1] requests rewording of 4A1.1.2 Issue as it is considered that the words "*should be provided along major transport routes*" is extremely vague and could be interpreted as referring to almost any road. They seek that the wording "*should be provided along major transport routes*" be deleted and reword so the meaning is precise and clear.

**Cuttriss Consultants** [85.9] support the explanation and reasons in respect of net site area but comment that the description of density is misleading as higher density

is often shortened to high density. High density is where you have apartment buildings stacked on top of one another. Recommend the use of the term 'medium density' throughout the District Plan. Consider that further explanation could have been provided in the Section 32 to outline why no minimum net site area is applicable when three or more dwellings are proposed and why the three dwellings threshold was chosen. Compliance with the Design Guides should be required for two or more dwellings rather than three as this would provide a greater sense of consistency. The Section 32 should have included more information about how the high density areas were extended, including disclosing the edges of particular shopping centres. Otherwise how can anyone understand the Plan Change in respect of their property?

**Regional Public Health** [171.1] supports the submission by Cuttriss Consultants and that part of the submission which seeks that reference to "higher" in the Plan Change be amended to read "medium" be allowed.

**Greater Wellington Regional Council** [115.2] and [115.3] supports the provision but requests further explanation so that the benefits of higher density development in strategically placed locations be reflected in the policy explanation:

"...Higher Density such as multi-unit housing will support more sustainable transport systems by reducing travel distances and increasing opportunities for trips to be made by active modes."

They also submit that there is a lack of recognition of the importance of connection to and integration with existing facilities and infrastructure, in the current policy framework for higher density residential development in the District Plan. They request that the following wording be added:

*Objective*  
To ensure opportunity is made for higher density residential development.....where amenity values will not be affected adversely and where there is appropriate servicing of development.

*Policy*  
That opportunity for higher dwelling densities be made.....where amenity values will not be affected adversely and where there is appropriate servicing of development.

*Explanation and Reasons*  
... The aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas. The Design Guides are used as a planning tool to facilitate neighbourhoods that are sustainable, well connected, and safe."

## **Discussion**

There is support for the objectives and policies relating to higher density residential development with suggestions for rewording to either make the meaning more precise or to add content to the issue.

It is submitted that 4A1.1.2 Issue is too vague in stating that "...Such opportunity should be provided along major transport routes...." and that this could apply to almost any road. The existing higher density areas are located along major transport routes (as well as around commercial centres) which includes public transport routes. The explanation and reasons section of 4A1.1.2 states that the provisions will encourage the use of public transport and this is considered to accurately reflect Council's intention.

Further wording is sought in the explanation and reasons to emphasise the benefits of higher density housing such as supporting public transport, reducing travel distances and encouraging more active modes of travel. The explanation and

reasons are quite clear that the objective is to support use of public transport and to promote the efficient use of resources and it is not considered that the words suggested add any more meaning.

The addition of reference to capacity of the City's infrastructure is sought. This is an important issue for the City and is a consideration when identifying areas for higher density development. Adding to the objective and policy in relation to this matter is recommended.

Additional words are suggested that sum up the integration of land use and infrastructure.

*"... The aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas. The Design Guides are used as a planning tool to facilitate neighbourhoods that are sustainable, well connected, and safe."*

The first sentence provides a summary of the need for integrated development which is useful to add to the explanation. The second sentence gives a broader picture of the design guidelines than is intended from the guidelines themselves.

It is submitted that the word "high" is used through the District Plan rather than "higher" and that this is misleading. In addition, the submitter also considers that the term "medium" density should be used throughout the District Plan as it better describes the type of housing provided for but termed "high/er".

The word "high" is used incorrectly and it is recommended that the word "higher" is used in relation to higher density development. It is not recommended that "medium density" be adopted, as the District Plan currently refers to "higher density" and there is wide understanding of the provisions. This proposed change is building on the current provisions.

It is also submitted that further explanation is required in the section 32 report as to why no minimum net site area is required for 3 or more dwellings and that compliance with the Design Guides should be required for 2 or more dwellings rather than three as this would provide a greater sense of consistency.

The intention of the proposed change to higher density development is to provide for a more intensive housing typology while ensuring that development respects the character and amenity of the area. Two dwellings are considered as two separate units each requiring a minimum net site area and meeting the requirements of a permitted activity. In this case the less intensive effects are controlled through the bulk and location controls alone which are considered sufficient. In addition, 2 dwellings are not considered to constitute a higher density housing development. At three or more units, the effects have increased and discretion is appropriate as to the suitability of a site and its effects, including its design. This is the threshold at which point Council has decided it wishes to exercise its discretion. It is also consistent with the District Plan provisions of neighbouring Councils.

Exclusion of the requirement for a minimum net site area is considered appropriate to facilitate this type of development while still requiring compliance with bulk and location controls for the overall site to ensure consistency with the amenity and character of the area.

### **Recommendation**

That the submissions of **Neil Cook McKenzie** [9.1], **Cuttriss Consultants** [85.9] and **Greater Wellington Regional Council** [115.2], and further submission **Regional Public Health** [171.1] be rejected.



That the submission of **Greater Wellington Regional Council** [115.3] be accepted in part.

Those parts of the submission which are recommended to be accepted relate to clarification of wording in relation to servicing. Those parts of the submission which are recommended not to be accepted relate to specific wording.

And that the Plan Change be amended as follows:

#### **4A1.1 Local Area Issues**

##### **4A1.1.2 Higher Density Residential Development**

###### **Objective**

*To ensure opportunity is made for higher density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely and where there is appropriate servicing of development.*

###### **Policies**

*(a) That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely and where there is appropriate servicing of development.*

###### **Explanation and Reasons**

*The Plan will manage the effects of higher density development by managing site layout, building height, bulk, and site coverage and landscaping through the use of permitted activity standards. Other aspects of design such as quality of onsite amenity, landscaping, integration of buildings with open space, compatibility with surrounding development patterns will be managed through the use of Design Guides. The aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas.*

###### **Reason**

Integration of land use and infrastructure is an important matter underlying the issues, objective and policies of higher density residential development and the District Plan needs to reflect this.

#### **4.18.2. Zoning – General**

##### **Submission**

**John Pfahlert** [5.1] requests that the higher density residential area be extended to cover either:

- All properties within a 5min walk of any corner dairy; OR
- Properties in the Gordon St/Cottle St area of Avalon within a 5min walk of the shops at Tennyson Ave /High St intersection.

**Wigley & Roberts Ltd** [12.7] request that the High Density Residential Areas be amended to reduce the amount of infill housing within the central Lower Hutt area, particularly Penrose St, Hautana St, Huia St, Myrtle St, Cornwall St, Laings Rd, Queens Gr and Chilton Gr. Reason for requested amendment is to retain the strong mature residential flavour of some of our larger inner-city properties. These properties give Lower Hutt its character.

**Neil McGrath** [160.1] supports the submission by Wigley and Roberts in that the implementation of the high density rules to the central areas will result in destruction

*of notable and historic homes, trees and gardens. These all contribute to the ambience and amenity of the City.*

**Denise Gluyas** [14.1] opposes the changes to Buick Street. Consent should continue to be sought from residents in the area. They request that the proposed change not be continued.

**Shanti Gandhi** [25.1] and **Babubhai Nagin Gandhi** [26.1] support the higher density areas as the amendment to residential areas around shopping centres and transport routes is the way towards progress e.g. Birch Street, Waterloo.

**Brian Froggatt** [31.1] opposes the high density areas as low cost infill or high density housing has never been a solution, just another problem. It deprives residents of adequate living space and lowers socio-economic standards. Only advantage is to increase rates income. Increased social costs will however far outweigh financial benefit. There is still plenty of land in the region for building.

**Christopher Hay** [33.3] comments that one principal issue arising from residential intensification is the capacity of the existing stormwater and wastewater systems. Previous experience with infill housing has seen systems which were adequate for the existing residential development suddenly being unable to cope with the additional load. It seems appropriate that the developer who is placing the extra pressure on the system pay a levy towards upgrading the system.

**Peter James Forde** [37.1] opposes the high density areas as there is not enough room for young ones to play and will reduce market price of the area.

**Ian & Rosemary Humphrey** [41.1] oppose the high density areas as the proposal will adversely affect the quality of life and living environment for people in affected areas. It can result in more neighbours, more disturbances and less visually pleasing environment. Will adversely affect property values and is unfair. It will make the affected areas less desirable to live in as opposed to the unaffected areas. It is not widely supported by ratepayers and there has been insufficient consultation and information. A minimum lot size of 300sqm is too small.

**Henry Steele** [43.5] and **Waiwhetu Stream Working Group** [52.1], [52.2], [52.3] and [52.11] oppose the high density areas in stream/river catchment areas where increase in stormwater run-off poses increased flood risk. Waiwhetu Stream Working Group submit that an opportunity has been lost in the Plan Change and as a result the City's rivers and streams are likely to be adversely affected. By increasing residential densities and increasing levels of impermeable surfaces there will be an overall increase in stormwater run-off, with resulting increases in inputs such as sewage, sediment and pollutants entering streams and an increase in the likelihood of flooding. They request that the purpose of the Plan Change be amended to acknowledge Councils commitment to reducing flooding, along with sustainable urban design, subdivision and development. The Plan Change should also include moves to prevent increases in the peak water flows to streams, and measures to improve quality of inflows. Council should review work undertaken by other Councils to reduce the impact of urban development through a variety of low impact and water-sensitive approaches.

**Lorna Adair Taylor** [45.1] opposes the high density areas as there is plenty of land to be used.

**Gavin Bateson** [46.2] requests that Copeland St be removed from the Higher Density Residential Area. It is hard to rationalise why a small number of houses on Copeland St and other streets in vicinity have a different zoning from other houses on the streets. The amendment will forever change the peaceful character of these streets. Also infrastructure may not be adequate to handle higher population densities.

**Wendy Roberts** [53.1] opposes the high density areas as it is a social experiment that will lead to ghettos in the future.

**A & J Stevens** [54.1] opposes the high density areas. Current areas are considered sufficient to meet the needs of the City given population projects of Stats NZ. Question effect on health and well being of residents. Concerned that it will also lead to ghetto areas.

**Matthew Amos** [55.1] agrees in principle with the proposal. Concerned that the Plan Change includes areas that are more than 5 min walk from transport hubs and that properties selected for inclusion do not seem to have been chosen consistently i.e. Waterloo and Woburn Stations. Unclear what hubs or shopping areas have been deemed important enough to encourage high density development. They seek: clarification of which transport hubs and shopping centres are to be covered by the Plan Change; and review the high density area to restrict them to all properties that lie within a 5 min walk of transport hubs and shopping centres.

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**Ontrack** [57.9] oppose the high density residential areas. In its current form the Plan Change does not provide for any consideration of reverse sensitivity effects. The expansion of Higher Density Residential onto new sites adjoining the corridor or rail workshops poses a future risk to operations. They request the removal of any additional sites of Higher Density Residential from the planning map where the site is directly adjoining land covered by a designation for railway purposes, including the section of land off Leighton Ave covered by a railway purposes designation.

**Sunil Vadnerkar** [58.1] supports the proposed high density residential areas and housing provisions as a owner of a property in Wainuiomata which is very large and hard to maintain.

***Alexander James Connor** [168.1] supports the submission of Sunil Vadnerkar change in relation to properties in Wainuiomata.*

**Beverley Anne Tyler** [59.1] submits that the significant increase in higher density residential areas will change the whole character of the residential areas. We need more family homes not less. For the future growth of the City families should be encouraged to come here. They request that the coverage of the High Density Residential Area is restricted to ensure more family homes remain in the valley floor.

**East Harbour Environmental Association Inc** [60.11] opposes large scale expansion of the High Density Residential Areas. Do not believe that this maintains and protects the existing amenity of these areas and is of a scale not justified by the likely needs in the immediate future. A more carefully managed programme of intensification within more carefully selected areas is needed. Potential for residential intensification within existing high density areas is already great. Change not considered consistent with purpose and principles of RMA and criteria used for including some areas and excluding others are not explained. The process has not been transparent and consultation cannot be regarded as adequate. They seek that the areas designated High Density Residential should be significantly reduced.

**R C Moore** [62.1] opposes the change until there have been investigations of the ability of the zone to cope with the increase in stormwater runoff. The boundaries of high density area have been decided by a very crude measure. In Wainuiomata most high density areas could require a walking speed of over 6km/h to achieve 5 mins. It is unlikely many residents would be capable of this. Main concerns relate to consideration of capability of these areas to cope with additional stormwater runoff, infiltration and flooding problems, loss of trees and traffic effects. While comments relate to Wainuiomata it is likely that other areas of City would be affected. The boundaries of the High Density Residential Area should be confined solely to those areas which are capable of coping with additional stormwater runoff without causing

increase in flooding. For this reason Hyde St, Best St and Fitzherbert Rd should not be included.

**Dorothy Frances Fox** [72.1] opposes the high density areas. The proposal allows for greater density in housing in the area between The Esplanade, Petone and Jackson Street. This area is already overcrowded, polluted and congested. Other factors relate to health and safety of people living and operating in the area, also with regard to lack of reasonable resources relative to space. Further, the area is on ground that moves.

**Geraldine Mary Laing** [78.3] and [78.4] questions why South Hautana St to Woburn Station has been excluded – seems eminently suitable for train, bus and shop access. Understand Totara Cres area of Woburn and Military Rd are Special Residential due to their areas of trees. In Totara Cres the tree size is unsuitable and will have to be removed at some time. Creates a “them and us” social distinction.

She questions the section 32 evaluation of options for higher density areas and consider the 5 minute walking distance to be minimal. The numbers who may be housed in the areas contemplated do not justify the envisaged upheaval to the residential environment. They request that the boundaries of the High Density Areas be retained and:

- Allow amalgamation of sections;
- Establish regulations to allow grouped small housing as per the Plan Change on amalgamated sections;
- Allow similar courtyard housing for elderly;
- Allow housing with small gardens, for those who wish to use them on divided single sections;
- Allow blocks of flats with regulated surrounds;
- If Daly St does not go through use it to establish a dedicated revolving fund to facilitate above bullet points.
- Designate suitable parts of established shopping areas as suitable for craft workshops.

**Kylie Mason** [83.1] submits that the higher density areas are too extensive and could lead to large scale changes to the character of the Hutt Valley. While great idea to locate them around commercial centres, either the number of centres need to be reduced or the position from which these areas are calculated needs to be altered so that the overall number of properties affected is reduced. Also need better rationalisation of the location of the areas and geographic boundaries should be used. Potential conflict by having high density areas bound by Special Residential Activity Areas. Suggest bounding around Special Residential Activity Area remain within General Residential. Consideration should be given to whether Alicetown should be within the High Density Area as many properties are too small to be subdivided.

**Stephen James Penno** [90.2] requests a change to the High Density Residential Area zone boundary on Willoughby Street. One side of one end of the street has been included and this is not consistent with the approach taken for the rest of the maps. Natural boundaries, or where these are not suitable, following the rear properties between the streets is a sensible approach applied to other zones/areas and ensures each neighbourhood and street will maintain a common character. There is no feature on Willoughby Street that creates a natural boundary between zones. Creates the possibility that one small section of the street will be developed out of character with the rest of the street. Solution to move the new zone boundary to follow the rear of the properties between Penrose St and Willoughby Street.

**Jane Johnston** [96.1], [96.9] and [96.8] supports the need to review the residential provisions however the Plan Change does not go far enough to encourage intensification and consolidation of built urban form. The S32 report does not provide a rationale for the new zoned area being 5min walking band. The proposed Regional

Policy Statement and Regional Growth Strategy both envisage intensification to 10mins walking distance as the rule of thumb.

They also request that the areas zoned High Density Residential are reconsidered to include areas connecting not only to key shopping areas and train stations but also key education precincts located near or between these areas. Mixed use could be encouraged in a way that brings these uses together better, to consolidate urban form and function.

It is further requested that the block bordered by Knights Rd, Willoughby St, Wilford St and Pohutukawa Rd be rezoned within the new High Density Residential Area. This block provides an example where there is easily a natural extension of the rezoned area which includes the Waterloo train station, Hutt Intermediate and up to the CBD.

**Tui Lewis** [103.7] opposes the high density areas as they outweigh predicted growth and restrict people from growing vegetables and having their own yards to play in.

**Greater Wellington Regional Council** [115.10] requests that the Plan Change better recognise the hazard associated with building within the floodplain and other areas susceptible to flood hazard events or stormwater flooding (up to and including 1 in 100 year events), for higher density residential development. Some areas that are included are located within the Waiwhetu/ Awamutu floodplain. Can see benefits of extending the areas, however it is important to understand that the Waiwhetu/ Awamutu floodplain is directly affected by flooding and in particular the links between flood hazard risk and land use and human activities. Flood hazard affecting communities within the floodplain should be recognised through this Plan Change as is already the case in other areas of the Hutt.

**Frances Geraldine Baldock** [125.1] opposes the high density areas and the relaxation of all the protection for basic values – light, sun, space, balance and a firm recognition of Kiwi values that should not be eroded.

**Grant Roberts** [132.1] opposes the high density areas as there is no necessity to provide further for future growth and there should be no extension to the Higher Density Residential areas in the city. It would be particularly intrusive to introduce such areas to the Western Hills or other outlying areas of the city where such developments would have a detrimental impact on the more natural character of the environment.

**Nick Miller** [140.1] requests that consideration be given to extending the High Density Residential Areas to include areas along the main public transport routes in Petone and Alicetown. Along this route there are several small retail blocks, a railway station and a swimming pool, sports ground and the Workingman's Club. It makes sense to maximise the population able to access these facilities.

**Timothy Power** [145.1] requests that Lot 1 DP 90369 be rezoned from General Recreation to High Density Residential as it is in private ownership.

**Violet Mavis Walshe** [147.1] opposes the high density areas.

### **Discussion**

Currently the District Plan provides for Higher Density Residential Areas along major transport routes and around some commercial centres. The Wellington Regional Strategy identifies the need to encourage medium and higher density housing close to centres and public transport links, while protecting the character of traditional low density suburbs. Council has identified areas where it considers higher density development is appropriate. The new higher density residential areas, based around selected shopping centres, were modelled on a 5 minute walking distance from the

centre of the selected shopping centres. The centres chosen were based on Council's Suburban Shopping Centre Policy:

- Alicetown
- CBD
- Epuni-Boulcott
- Fairfield
- Maungaraki
- Park Ave
- Wainuiomata North
- Wainuiomata South
- Waterloo
- Stokes Valley
- Taita
- Naenae

In addition, Council considered that Waiwhetu and Woburn should be added as they have adequate services to support higher density development. These centres are considered to have sufficient retail services to meet the daily needs of the residents. In some areas such as Waterloo this includes the transport hub. Woburn Station is included as part of the Waiwhetu area. The provisions for the Higher Density Residential Area allow for a minimum net site area of 300m<sup>2</sup> (it is 400m<sup>2</sup> in the General Residential Area). In addition, there is no net site area for 3 or more dwellings which require consent as a restricted discretionary activity (as discussed above in 4.17.4, 3 or more dwellings in the General Residential Area have the same status in the District Plan but consideration of a further matter relating to proximity to services is required. It has been recommended that this be changed to distinguish between the Higher Density Residential Area and the General Residential Area).

There is some support for the higher density areas for a number of reasons. It provides greater opportunity to develop large sites that are hard to maintain, it is considered to be the way towards progress, and it is supported by the Regional Growth Strategy and the draft Regional Policy Statement. There are submissions that request that the areas be extended either to specific areas or generally; for example, to areas connecting key education precincts, located near or between key shopping areas and train stations/bus transfer hubs and within 5 minutes walking distance of any corner dairy. It is submitted that 10 minutes walking distance is best practice in defining areas for intensification rather than 5mins.

International best practice shows that 5 minutes walking distance, about 400m, is people's tolerance for walking to transport hubs and shops, in areas that are attractive and not weather protected. The modelling used to define the areas, took account of topography, varying ages and mobility and safety.

It is requested that the block bordered by Knights Road, Willoughby St, Wilford Street and Pohutukawa Road be included in the High Density Residential Area as it is a natural extension of the new areas. Properties on Pohutukawa Road are already included but some properties between this road and Riddiford Street fronting on to Wilford Street within this block, are not included. It is noted that the part of Knights Road between Willoughby and Riddiford Streets is in the existing Higher Density Area but has not been notated as such on the maps attached to the Plan Change. While it is between areas that have been rezoned, and outside the 5 minutes walking distance that has been used to define these areas, in applying the 5 minute walking distance overlay, some rationalising in other areas was done where two areas were very nearly abutting. In this area, requested to be included by the submitter, the land is very flat and within reasonable walking distance of the Waterloo interchange and shops and it would be appropriate to include it. It has been further submitted that the boundary of the Higher Density Area on Willoughby Street has not had the same rationale applied to it as in other areas as it applies to only 4 sites on one side of the street. If the above blocks are included in the Higher Density Residential Area as

recommended, this matter will be addressed as both sides of the street will be included.

One submitter requests that the Higher Density Residential Area be removed from those parts of Copeland Street it affects. There are properties at both ends of Copeland Street included in the proposed Higher Density Residential Area as they are within 5 minutes walking distance of either Epuni shops or the CBD. This is consistent with other streets where parts are proposed to be Higher Density Residential Area. In terms of the effects on amenity and character the discussion below is relevant to this submission.

A submitter requests that the following be rezoned Higher Density Residential Area:

- All properties within a 5min walk of any corner dairy; or
- Properties in the Gordon St/Cottle St area of Avalon within a 5min walk of the shops at Tennyson Ave /High St intersection.

As discussed, the new proposed Higher Density Residential Areas are around selected shopping centres in accordance with Council's Suburban Shopping Centre Policy. Corner dairies alone are not within this Policy, including the area requested by the submitter.

It is submitted that Cuba St and Victoria St be included in the Higher Density Residential Area as they are on main public transport routes. They are existing higher density areas. There is no extension proposed to this area as it is within Petone which is part of a separate planning exercise.

The area south of Hautana St to Woburn Station is not included in the higher density area as it is within the Special Residential area which was not considered suitable in order to protect the trees, vegetation and larger lot sizes.

A number of changes are requested that are outside the scope of this Plan Change or are permitted anyway. The Plan Change does not restrict site amalgamation, housing for the elderly, and housing with small gardens.

There is a request to rezone Lot 1 DP 90369 from General Recreation to Higher Density Residential Area. Legal advice has been obtained which confirms that this request is outside the scope of this Plan Change. In the Plan Change the rezoning of land to High Density Residential is limited to General Residential Activity Areas. It does not rezone any General Recreation Areas to Higher Density Residential Areas. The submitter has brought this matter to Council in the past and it may be something Council wishes to address in the future by way of a separate plan change.

Matters raised regarding mixed use development are discussed under section 4.19.3 of this report.

Those submitters in opposition to the Higher Density Residential Areas are opposed for reasons relating to:

- Effect on the residential character and amenity of the city.
- Capacity of the city's infrastructure to cope with additional stormwater runoff.
- There are already residential developments that will provide for any growth.
- It is not consistent with the purposes and principles of the Act.
- The areas are too big.
- Reverse sensitivity issues.

These are discussed in further detail as follows:

### **Character and Amenity**

Residential development of 3 or more units is a restricted discretionary activity. This is so that Council can assess those specific matters that potentially may arise from this activity. These are identified in the District Plan as:

1. How the proposal addresses the design guidelines.
2. The effect on the amenity values within the site and on the surrounding residential area.
3. The effect on traffic.
4. The extent to which landscaping is incorporated in the proposal and the retention of existing vegetation.

The aims of the design guidelines include:

- *Higher density development is compatible with the existing character of development in the neighbourhood.*
- *New development contributes to amenity and safety within the site for neighbouring properties and the surrounding area.*

In addition, the permitted activity bulk and location conditions apply to all development. This includes height, yards, coverage and recession planes for the site as a whole. It is therefore considered that adequate consideration of the effects on the character and amenity of the neighbourhood can be provided for through the exercising of Council's discretion in relation to these matters and the bulk and location controls.

### **Capacity of the City Infrastructure**

A report has been prepared by GHD consultants for Capacity and Council to assess the impact of the proposed Plan Change on water, wastewater and stormwater infrastructure. The basis of assessment was difficult to define as the development potential of the extended Higher Density Residential Areas may not be realised for a number of reasons. The provisions allow for:

- a lower net site area
- providing for more sites that can be subdivided and
- the potential for 3 or more units as higher density housing

The actual level of development will depend on whether the sites are already developed, where the existing building is located on the site and its condition, access, topography and market considerations. For the purposes of this assessment, the basis of the calculations has assumed that there will be 100% development of all properties over 670m<sup>2</sup> (the minimum area required to subdivide in the Higher Density Residential Area). This is a crude analysis but basically takes as a starting point that there will be more connections to the City's infrastructure required. The assessment also deals with the impact of the proposed Higher Density Residential Areas only and does not take account of further development of the existing Higher Density Residential Areas.

The following is a summary of the assessments:

#### Water

The proposed Higher Density Residential Areas will result in a minor reduction (no more than 2 hours) in storage in a number of local reservoirs but this is not anticipated to cause any operational or supply problems.

#### Wastewater

For the most part the proposed Higher Density Residential Areas will only have a minor impact on the wastewater infrastructure. However there are some local sewer mains where the capacity will be exceeded. There will be some upgrading of sewers required as development occurs and this can be planned for through the LTCCP and funded through Development Contributions.



### Stormwater

The proposed Higher Density Residential Areas will have the greatest impact on stormwater infrastructure. The majority of the existing stormwater mains are undersize and there are a number of areas that experience or have experienced flooding. The report recommends that the Waiwhetu/Whites Line shops Higher Density Residential Area not proceed until programmed improvement works are completed given the flooding that already occurs here.

The Higher Density Residential Area surrounding the CBD, will impact on existing flooding problems in the upper reaches of the Opahu Stream and existing flooding problems at the intersection of Melling Road and Connolly Street. A pump station is proposed at the intersection of Melling/Connolly in 2016 and improvement works are required to alleviate flooding in the upper reaches of the Opahu Stream. It will be possible for Council to monitor development in the area and to re-programme work should this be required.

The other Higher Density Residential Areas that are considered most likely to require stormwater mains to be upgraded are the Wainuiomata North, Wainuiomata South and the Fairfield Higher Density Residential Areas. There may also be other areas where localised upgrades are required. Monitoring of the rate of development will be required to assist Council with timing of upgrade/improvement works and for inclusion in the LTCCP. Development Contributions can be used to fund this work.

The Greater Wellington Regional Council also identifies Waiwhetu, parts of Fairfield and Naenae as being within the flood hazard areas. Hutt City Council and Greater Wellington Regional Council (GW) undertook the Waiwhetu Project to produce a Flood Management Plan to address the flood risk and this work is ongoing. In discussion with GW, it is their preference that the Waiwhetu/Whites Line East Higher Density Residential Area be deleted until further consideration following the completion of remedial work. While not part of their submission, GW were asked for information on the flooding risk in Wainuiomata South as other submitters raised the matter and the GHD report identified the area as a risk. They confirmed that it is subject to flooding in the 100 year return period and suggested that it be removed from the Higher Density Residential Area. As discussed above though, Council will address the issues in this area by upgrade/improvement work through the LTCCP. However, the specific area within the 1 in 100 year floodplain should be removed.

The GHD report also recommends that Council considers other options for reducing runoff or the speed at which runoff leaves a site, including, low impact design, hydraulic neutrality, including provisions related to stormwater retention measures, the use of permeable surfaces, planting, water reuse, rain gardens and ground storage. The permeable surface requirement that Council is proposing as part of this Plan Change is a first step in developing other sustainability measures that may be introduced in the future.

The Plan Change provisions have been the subject of discussions with Capacity, and the asset management plans (and in particular those for stormwater) have now been amended to incorporate provisions that recognise more intense residential development can occur within the identified Higher Density Residential Areas. These changes are reflected in the 10 year Forecast Financial Statements in the Long Term Council Community Plan which also reflects Council's Asset Management Policy (contained in the Community Plan at p.295) which states:

*"As far as possible Asset Management Plans will be consistent with other Council strategies and planning documents.....In particular Asset Management Plans should demonstrate the links between the Asset Management Plan, the District Plan, regional growth strategies and the Sustainability Strategy"*

The Council will provide for increases in the capacity of the stormwater infrastructure through its maintenance and renewals programme, which is capable of adjustment in

future years to match anticipated changes in the speed and location of development within the Higher Density Residential Areas.

### **Future Growth**

A number of submitters consider that there is sufficient land available for residential development given the low projections for population growth and that there is no need for higher density areas. While it is true that the population growth for the area is low, the changing demographics of the population indicate that there will be smaller households, with a need for smaller dwellings. This includes providing for an ageing population. The District Plan provides for a variety of lifestyles but they are predominantly single units on individual lots within the General Residential Area and require a minimum net site area of 400m<sup>2</sup>. The higher density area requires a minimum of 300m<sup>2</sup>. There is little provision made for multi-unit housing which by its nature usually provides smaller units. In order to protect the low scale character of the residential area, to provide greater housing choice and to enable people to walk to shops and transport hubs, greater intensification around key centres is recommended. This is supported by the Regional Strategy and is consistent with the approach being taken by other cities in the Region.

### **Consistency with the Resource Management Act**

It has been submitted that the provision for higher residential density development is not consistent with the purposes and principles of the Act. The Plan Change is directly addressing the requirements of Part 2 of the ctA by providing the planning framework for greater housing choice to meet the needs of its community and maintaining and enhancing the amenity values through the application of design guidelines to mitigate any adverse effects on the environment. As discussed above the Plan Change seeks to provide for multi-unit housing that will deliver better environmental outcomes than is currently provided for.

### **Size of Areas**

There is concern that the higher density areas are too extensive and either the number of centres should be reduced or the point from which the areas are calculated should be altered so that fewer properties are included. Other specific requests are made to remove the Higher Density Residential Area from the area adjacent to the CBD around Penrose St, Hautana St, Huia St, Myrtle St, Cornwall St, Laings Rd, Queens Gr and Chilton Gr.

It is also submitted that the higher residential areas should not be adjacent to the Special Residential Areas and that these remain as General Residential. The higher density residential areas are wide as the points from which the 5 minutes walking distance was calculated from the outside of the commercial centres. However, the provisions for higher density housing are intended to allow development that is compatible with existing character and amenity as discussed above and so the potential effects of this type of development are controlled. This is an important distinction between the Comprehensive Residential Developments permitted under the existing provisions where there is little control on the effects on character and amenity and the proposed controls for 3 or more dwellings. The intended outcome of the proposed change, is good quality multi-unit housing that provides for the needs of the community and is consistent with the existing character and amenity. It is not considered that a reduction in the boundaries of the higher density areas is required as sought as the effects of the proposed change are consistent with the purpose of the Plan Change.

The higher density areas adjacent to the Special Residential Areas should not detract from the amenity of those areas. While this may mean that there are 3 or more dwellings on a site, the bulk and location requirements of the General Residential Area apply, apart from coverage which is 40% rather than 35%. These permitted activity conditions, together with the design guidelines are considered to be adequate to maintain the character and amenity of areas bordering Special Residential Areas.

A submitter opposes the changes to Buick Street. It is unclear what is requested but Buick Street is in Petone and is not affected by the new Higher Density Residential Areas.

One submitter comments that in Wainuiomata, most high density areas could require a walking speed of over 6km per hour to achieve 5mins. It is accepted best practice and based on international research that on average people walk 400m in 5mins. This equates to a walking speed of 4.8km per hour. This doesn't take account of the less ambulant but in applying the model, slope has been taken into account to more accurately measure distance.

### **Reverse Sensitivity Issues**

Ontrack is concerned that expansion of the higher density areas to sites adjoining the rail corridor or rail workshops poses a risk to their operations. They request the removal of any additional sites for higher density housing where the site is adjoining land designated for railway purposes, including the land off Leighton Ave covered by a railway purposes designation. The relief that Ontrack seeks in relation to this matter in other parts of its submission is to include a new matter for discretion to address this and this has been dealt with in section 4.17.2. It is not considered that this is necessary and that the matter can be adequately addressed when considering the effects on the amenity in relation to aural and visual privacy.

General submissions from Marguerite Elizabeth Bennett [39.1], Roderick and Elizabeth Gillespie [68.1], Nicola Bray [69.1] and Desmond and Judith Bowles [73.1] in opposition to the Plan Change as a whole also oppose the extension to Higher Density Residential Areas.

### **Recommendation**

That the submissions of **John Pfahlert** [5.1], **Wigley & Roberts Ltd** [12.7], **Denise Gluyas** [14.1], **Brian Froggatt** [31.1], **Christopher Hay** [33.3], **Peter James Forde** [37.1], **Ian & Rosemary Humphrey** [41.1], **Lorna Adair Taylor** [45.1], **Gavin Bateson** [46.2], **Wendy Roberts** [53.1], **A & J Stevens** [54.1], **Ontrack** [57.9], **Beverley Anne Tyler** [59.1], **East Harbour Environmental Association Inc** [60.11], **Dorothy Frances Fox** [72.1], **Geraldine Mary Laing** [78.3] and [78.4], **Kylie Mason** [83.1], **Jane Johnston** [96.1] and [96.8], **Tui Lewis** [103.7], **Frances Geraldine Baldock** [125.1], **Grant Roberts** [132.1], **Nick Miller** [140.1], **Timothy Power** [145.1] and **Violet Mavis Walshe** [147.1], and further submission of **Neil McGrath** [160.1] be rejected.

That the submissions of **Shanti Gandhi** [25.1], **Babubhai Nagin Gandhi** [26.1], **Waiwhetu Stream Working Group** [52.11], **Sunil Vadnerkar** [58.1], **Stephen James Penno** [90.2], **Jane Johnston** [96.9], **Greater Wellington Regional Council** [115.10] and the further submission of **Alexander James Connor** [168.1] be accepted.

That the submissions by **Henry Steele** [43.5], **Waiwhetu Stream Working Group** [52.1], [52.2] and [52.3], **Matthew Amos** [55.1] and **R C Moore** [62.1], be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to the removal of Waiwhetu from the Higher Density Residential Area. Those parts of the submissions which are recommended not to be accepted relate to wider sustainability measures.

And that the Plan Change be amended as follows:

- Amend planning maps to show the following:

- That the properties bounded by Knights Road, Willoughby St, Wilford Street and Riddiford Street be included in the High Density Residential Area.
- That the Higher Density Residential Area not be applied to the Waiwheteu/Whites Line East area.

### **Reason**

The proposed rezoning of properties to Higher Density Residential Area is considered to be appropriate around main shopping centres. Some extension of the 5 minute walking distance in some areas is reasonable and logical to meet the objectives of the Plan.

### **4.18.3. Maungaraki**

#### **Submissions**

**Leonard Kane** [10.5], [10.6] and [10.7] requests that the inclusion of Holly Gr, Maungaraki in the higher density area be reconsidered. Public transport currently cannot handle the needs of Maungaraki. It is pointless planning for higher density if the infrastructure is not in place. They submit that they do not want the unique bush character of Maungaraki destroyed. Higher density would ruin streetscape. Would also lose significant amount of sunlight, daylight and privacy. Oppose development of 3 or more dwellings on Holly Gr due to pressure on existing limited off street parking, pedestrian traffic hazard with respect to the playground, and that it is no exit.

**Kenneth & Belita Pereira** [13.5], [13.6] and [13.7] oppose development of 3 or more dwellings on Holly Gr due to pressure on existing limited off street parking, pedestrian traffic hazard with respect to the playground, and the fact that it is no exit. Do not want the unique bush character of Maungaraki destroyed. Higher density would ruin streetscape. Would also lose significant amount of sunlight, daylight and privacy. Public transport currently cannot handle the needs of Maungaraki. Pointless planning for higher density if infrastructure is not in place.

**Leonard Kane** [10.9] and **Kenneth & Belita Pereira** [13.9] submit that if dwellings are erected under the high density provisions will residents in the Grove [Holly Grove] be notified or consulted?

**James Michael Pryor** [23.1] requests that Maungaraki be deleted from the Higher Density Residential areas. Maungaraki is unsuitable for higher density development. Changes should result from a problem and should be in accordance with the wishes of the residents of the area. The proposed high density zoning of the Western Hills has no mandate from the locals. There is not the capacity to create additional building sites between or amongst the existing houses.

**Maungaraki Community Association** [32.1] submits that there is a very limited number of sites (in Maungaraki) that would be able to realise any opportunity. When slope and nature of area are considered, public do not believe the area would suit high density development.

**Bernard Anton Hiestand** [61.1] opposes the inclusion of Maungaraki in the higher density area until there have been investigations of the ability of the zone to cope with the increase in stormwater runoff. Virtually no publicity about the change, few residents are aware of it even though a substantial proportion of residential properties would be affected. Boundaries of high density area have been decided by a very crude measure.

**Kathryn and Terry McGavin** [95.1] opposes extension of High Density Residential Area in Maungaraki in principle. Concerned about the great number of changes proposed at the same time and that Eastern Bays, Petone and Moera have not been included. Do not think that adoption of the Plan Change is desirable or that there is a proven need. Raises issues with greater building coverage, design guides, onsite

parking, and extension of the higher density area in Maple Grove and Barberry Grove. Need to maintain Hutt's character. They seek that the Plan Change 12 in Maungaraki be abandoned and reassess other areas.

**Holly Fung** [133.1] opposes the proposal to allow subdivision of land into minimum 300m<sup>2</sup> in Maungaraki because the Maungaraki hills is a spacious, comfortable living place. It will down grade the value of houses.

### **Discussion**

Submitters are opposed to the Higher Density Residential Area provisions being applied in Maungaraki on the grounds that:

- The area is unsuitable because of the sloping land and the character of the area.
- Public transport is inadequate.
- There is limited off street parking and there are pedestrian traffic hazards in Holly Grove.
- Impacts on stormwater infrastructure.
- There has been inadequate consultation.

Maungaraki is one of the centres identified in Council's shopping centre policy and considered suitable as a centre that would support the daily needs of the community and access to public transport within reasonable walking distance. As with all areas, there will be sites that are not suitable for redevelopment for 3 or more dwellings or that are not capable of being subdivided. The District Plan enables development subject to site suitability; it doesn't anticipate that all sites will necessarily be able to be developed for all the activities provided for. The intention of this Plan Change is to provide for a further housing choice should a site be suitable. The provision for 3 or more dwellings is not a permitted activity; it is a restricted discretionary activity which enables Council to determine whether a site is suitable. In assessing whether a site is suitable, the District Plan sets out those matters that Council will consider. These are:

- Consistency with the design guidelines
- The quality of amenity provided within the site and on adjacent sites
- The effect of buildings on surrounding sites
- Traffic effects
- Landscaping

An applicant must demonstrate how the proposal addresses these matters and Council will make its own assessment. Not all sites and not all proposals will be appropriate and Council may decline an application or may impose conditions that ensure that it is compatible with the character and amenity of the neighbourhood, does not have adverse traffic effects and provides good amenity within the site. In addition, as discussed above in section 4.18.2 the permitted activity bulk and location conditions apply.

The proposed provisions of the District Plan adequately provide for consideration of site suitability and effects on the neighbourhood and providing for this housing choice in Maungaraki is considered to be appropriate.

Concern with the effects on stormwater infrastructure and its ability to cope with increased runoff, has been addressed in 4.18.2 above. In addition, it is recommended in 4.18.1 above that the objectives and policies refer to the appropriateness of development in terms of its ability to have adequate servicing.

There is a regular bus service to and from Maungaraki that serves the needs of the community. However, there are concerns that the bus service is not adequate and this is a matter that could be addressed through other channels.

Submitters have asked whether residents of Holly Grove will be notified or consulted on higher density development. In accordance with the District Plan, Council does

not have to notify an application for a consent for a restricted discretionary activity but can decide to depending on each application and whether it is determine that any party will potentially be affected by the proposal.

Some submitters are concerned that there was inadequate consultation regarding Plan Change. Consultation was undertaken as part of the preparation of the Plan Change as detailed on page 3 of this report.

### **Recommendation**

That the submissions of **Leonard Kane** [10.5], [10.6], [10.7] and [10.9], **Kenneth & Belita Pereira** [13.5], [13.6], [13.7] and [13.9], **James Michael Pryor** [23.1], **Maungaraki Community Association** [32.1], **Bernard Anton Hiestand** [61.1], **Kathryn and Terry McGavin** [95.1] and **Holly Fung** [133.1] be rejected.

### **Reason**

The proposed provisions of the District Plan for higher density development are appropriate and adequate to control the potential effects of development while providing for housing choice in Maungaraki.

## **4.18.4. St Columbans Monastery**

### **Submissions**

**Avison Family Trust** [29.1], **Sarah and Steven Williams** [71.1] and **Kusel Family Trust** [134.1] oppose the change of residential density for St Columbans Monastery, St Columbans Grove, as it will be out of keeping with the existing neighbourhood and in conflict with 4B of the District Plan. They seek that St Columbans Monastery is deleted from the amendment.

**Andrew Curran** [76.1] opposes the change and want existing provisions to remain. Effect on Military Road and St Columbans Grove homes will be extreme as to value and environment. They seek that the Plan Change is deleted in this location.

### **Discussion**

Submitters are opposed to the Higher Density Residential Area provisions being applied in St Columbans Grove. Specific mention is made of the St Columbans Monastery and that the Higher Density Residential Area provisions should not apply to that site.

The suitability of higher density housing adjacent to the Special Residential Area has been discussed above in 4.18.2 and 4.18.3 and the same points covered in relation to the inclusion of Maungaraki in the Higher Density Residential Areas, applies to St Columbans Grove.

The proposed provisions of the District Plan are considered appropriate and adequate to control the effects of higher density development. St Columbans Grove is flat and within easy walking distance of the local shops and public transport making it very suitable for this type of development subject to a suitable proposal that meets the requirements of the District Plan. Redevelopment of the site of the Monastery may occur in the future and a well designed higher density development may well be appropriate on this site. This future opportunity should not be restricted due to the current land use.

### **Recommendation**

That the submissions of **Avison Family Trust** [29.1], **Sarah and Steven Williams** [71.1], **Andrew Curran** [76.1] and **Kusel Family Trust** [134.1] be rejected.

### Reason

The proposed provisions of the District Plan for higher density development are appropriate and adequate to control the potential effects of development while providing for housing choice in St Columbans Grove.

#### **4.18.5. Wainuiomata**

### Submissions

**Irene Davis** [44.1] opposes the inclusion of Wainuiomata in the Higher Density Residential Area as it has plenty of flat land. It should be kept as a residential suburb, it's better for the health and well being of its residents. They seek much more communication before this review is considered.

**Ron Mclvor** [42.2] requests that the Higher Density Residential Areas be amended to increase the proposed area further northeast along Wainuiomata Road from what is proposed at the Davis Grove intersection, to the intersection with Parkway Rd. This would increase the area of Higher Density Residential Area zoned land along the main arterial route in Wainuiomata.

### Discussion

There is one submitter in support of the Higher Density Residential Area provisions for Wainuiomata on the basis that their property is very large and hard to maintain. This submission is addressed in 4.18.2 above. Another submission seeks extension of the Higher Density Residential Area north along Wainuiomata Rd to the intersection with Parkway. Two submitters seek the withdrawal of the Higher Density Residential Area from Wainuiomata. The submission by RC Moore, in opposition is dealt with under section 4.18.2 of this report.

Wainuiomata is the only area in the District Plan that does not already have any land zoned Higher Density Residential Area along main public transport routes. This Plan Change aims to provide the community with the same housing choice as the rest of the City within 5 minutes walking distance of centres. It is relatively flat land providing easy walking conditions. It is not intended to extend the areas further along Wainuiomata Road as this is not consistent with the approach taken in other areas. As discussed in sections 4.18.2 and 4.18.3 above it is the intention of the proposed provisions to retain the existing character and amenity of residential areas while providing for higher density housing. This is reflected in the objectives, policies and rules.

### Recommendation

That the submissions of **Irene Davis** [44.1] and **Ron Mclvor** [42.2] be rejected.

### Reason

The proposed provisions of the District Plan for higher density development are appropriate and adequate to control the potential effects of development while providing for housing choice in Wainuiomata.

#### **4.18.6. Alicetown**

### Submissions

- **Alicetown Community Association** [77.1] oppose the reduction of restrictions on type, size and length of buildings near shopping/commercial centres. Some areas such as Alicetown have a "special character" which should be protected. They request that special character areas be protected from inappropriate developments and that Alicetown be noted as a special character area of interest.

**Petone Planning Action Group** [99.14] submit that Alicetown needs to be left out of the higher residential area totally or it should be designated a character area with protection against demolition of houses built before 1930. Alicetown is a gateway to Petone from the north and is very close in character to Petone.

**Tom Bennion** [170.13] supports the submission by Petone Planning Action Group and seeks that the submission be allowed.

**Kylie Mason** [83.1] submits that consideration should be given to whether Alicetown should be within the Higher Density Area as many properties are too small to be subdivided.

**R J & B M Deller** [101.1] oppose the additions to Higher Density Area, especially in Alicetown as they would affect the amenity values of the area. Most of the residential sections are quite small and multiple, multi-storey dwellings will reduce the amenity through reduced privacy, more vehicular traffic and more noise. The fault line goes through Alicetown and is it wise to increase housing density so close to the fault line especially as there is now petrol storage very close to the fault line. They seek that additions to Higher Density Area in Alicetown be removed.

**Hugo and Eva van Stratum** [123.1] oppose the higher density development in Alicetown as it is likely to create lots of willing people to live in it and make it not so attractive. Would like the status of the suburb to be in the nature and character of its Edwardian and Victorian influence to be more preserved. Do not want homes to be looking as if they are more squashed than they are already. They request that Council should have a look at a zero population growth policy that will hopefully increase our quality of life so pollution from fumes and noise will at least stabilise.

### **Discussion**

Submitters are opposed to the provision for Higher Density Residential Area in Alicetown on the grounds that the sites are too small, that Alicetown has a special character that should be retained, that the amenity values of the area will be affected and that the faultline goes through the area.

Opposition to changes in Alicetown was also submitted by Graeme Lester Lyon in his submission detailed under section 4.17.4 of this report.

Alicetown is identified in Council's shopping centre policy and for this reason has been included as an area where it is appropriate for higher density housing. It is characterised by small sites and only 41 sites (out of 482) are over 670m<sup>2</sup> making them potentially able to be subdivided. As with all areas, their ability to be subdivided largely depends on the location of the existing building and its condition, access, shape of the site, availability of neighbouring sites for amalgamation and financial feasibility. These conditions also apply to redevelopment for higher density housing. However, it is noticeable that in fact a certain amount of redevelopment of sites has already occurred in Alicetown over some years. At the same time, many of the older houses have been and are continuing to be refurbished.

It has been submitted that Alicetown has a special character and should be excluded from further intensification. No work has been done to identify and analyse the character of Alicetown. However it is considered that, as discussed above in section 4.18.2, the provisions of the Plan Change are specifically designed to ensure that higher density development is respectful of the amenity and character of existing areas.

The faultline passes through Alicetown to the west between the Western Hutt Road and Kiwi Street crossing Hume and Beaumont Streets. In principle intensification in these areas is not advisable and the area within the faultline study area should be excluded from the Higher Density Residential Area.



### **Recommendation**

That the submissions of **Alicetown Community Association** [77.1], **Petone Planning Action Group** [99.14], **Kylie Mason** [83.1], and **Hugo and Eva van Stratum** [123.1], and further submission of **Tom Bennion** [170.13] be rejected.

That the submissions by **R J & B M Deller** [101.1] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to the removal of the area affected by the faultline from the Higher Density Residential Area. Those parts of the submissions which are recommended not to be accepted relate to removal of Alicetown from the Higher Density Residential Area.

That the Plan Change be amended as follows:

- Amend planning maps to show the following:
  - That the area within the Alicetown faultline study area be removed from the Higher Density Residential Area.

### **Reason**

The provisions of the Plan Change are adequate to control the effects of higher density development on amenity and character.

## **4.19. OTHER ZONE CHANGES**

### **4.19.1. 70 Maungaraki Road.**

#### **Submission**

**Stuart Alan McMillan** [3.1] owns property at 70 Maungaraki Road, Korokoro. Present zoning does not allow for too much development. It would be helpful if there was a way to change this.

#### **Discussion**

Under the District Plan the property at 70 Maungaraki Road, Korokoro is currently zoned Rural Residential Activity Area. This zoning allows for the establishment of rural residential lifestyle development. Mr McMillan seeks in his submission a change to this zoning to allow for greater development of his property.

The Plan Change resulted in an expansion of the areas zoned Higher Density Residential as a means to accommodate future growth. As a consequence of this, all properties that are located within a 5 minute walking distance from the edge of shopping centres that met a particular level of service criteria are now zoned Higher Density Residential. The closest shopping centre to the subject site that was identified in the Plan Change as meeting this criteria are the Maungaraki Shops. The subject property is however located some distance away from this shopping area and hence falls well outside the 5 minute walking distance criteria.

As there were no other zone changes that resulted from the Plan Change it is considered that the relief sought in the submission is outside the scope of the Plan Change and cannot be considered as part of this process.

That aside, it is considered that the existing zoning of the site is currently appropriate. The surrounding area is low density residential in character, with a lot of open space present. Surrounding sites are either zoned Rural Residential, General Recreation or Hill Residential and generally contain medium to large sized houses located on generous sized sections. Zoning the subject property to allow for greater development would be inconsistent with the surrounding zoning and character of the

area, with no apparent immediate need for additional residential lots in this area at this stage.

**Recommendation**

That the submission of **Stuart Alan McMillan** [3.1] be rejected.

**Reason**

The submission is outside the scope of the Plan Change.

**4.19.2. 2 Dillon St, Lowry Bay**

**Submission**

**Merilyn and Christopher Savill** [4.1] own property at 2 Dillon St, Lowry Bay (1,745m<sup>2</sup>) which is zoned for a single dwelling. There are an increasing number of older couples that no longer require large properties. Due to lack of retirement accommodation in the area they are being forced to live elsewhere. Little account has been taken of the needs of older retirees in the higher density areas. Both the individuals and the community suffer. Submitter would like to build a number of town houses on their property to satisfy this present need and those that will arise in the future. They request that the zoning of the property at 2 Dillon St, Lowry Bay be reviewed to achieve its potential.

**Discussion**

The property located at 2 Dillon St, Lowry Bay is currently zoned Special Residential Activity Area under the District Plan. The Special Residential Activity Area recognises those parts of the City that are characterised by low density residential development, mature vegetation and a high standard of development.

The Plan Change predominantly resulted in changes to the General Residential Activity Area. There were no specific changes made to the Special Residential Activity Area rules or zoning. In addition, there were no zone changes made to the Eastern Bays area, with this area being specifically excluded from the changes made in respect of intensification and higher density housing.

As a result it is considered that the relief sought in the submission is outside the scope of the Plan Change and can therefore not be considered as part of this process.

**Recommendation**

That the submission of **Merilyn and Christopher Savill** [4.1] be rejected.

**Reason**

The submission is outside the scope of the Plan Change.

**4.19.3. Mixed use Zoning**

**Submission**

**Jane Johnston** [96.2] submits that intensification of the key shopping and transport nodes should provide not only for high density residential intensification but for high density mixed use intensification. If provisions are not a bit broader and cover a greater area opportunities will be lost. Requests that the District Plan specify that the predominant use must be residential but that compatible uses may also be housed within the section and revise the Design Guides to include urban design guidance pertinent to mixed use development, including commercial uses.

## **Discussion**

The submission of Jane Johnston seeks that mixed use developments be provided for in the areas identified as Higher Density Residential.

The Higher Density Residential Areas under the Hutt City District Plan provide for an opportunity for slightly greater residential densities than would be permitted in the general residential areas. This is provided to encourage sustainable development and growth throughout the City. The main intent of the Area however, is still to provide residential accommodation at an acceptable degree of amenity.

To support the residential areas, commercial uses are provided throughout the general and higher density areas through specific zoning (Suburban Commercial). This method effectively ensures that the needs of residential communities are provided for without having detrimental impacts on the amenity and sustainability of the residential communities and neighbourhoods.

Mixed use development is considered different from the higher density residential areas provided through the District Plan. Mixed use development essentially provides for a combination of residential and commercial activities within an area, with the balance of each use being dictated by market demand and the provision of residential accommodation generally being a lot denser than currently proposed through the Plan Change.

It is not considered that mixed use development is appropriate or consistent with the outcomes sought through the implementation of the Higher Density Residential Areas. It is thought that such development would be more suited to the commercial areas of the City as opposed to residential areas.

It is questionable whether the relief sought in this submission is within the scope of the Plan Change. For these reasons it is therefore recommended that the submission be rejected.

## **Recommendation**

That the submission of **Jane Johnston** [96.2] be rejected.

## **Reason**

- Mixed use development is not appropriate or consistent with the outcomes sought through the implementation of the Higher Density Residential Areas.
- Mixed use development would be more suited to the commercial areas of the City as opposed to residential areas.
- There is question as to whether the relief sought is within the scope of the Plan Change.

## **4.20. OTHER DISTRICT PLAN PROVISIONS**

### **4.20.1. General**

#### **Submissions**

**Kevin Collins** [47.8] seeks that the definition for yard requirements be changed so that they are measured to the perimeter wall framing or outer edge of the foundation, whatever is the closest. Currently it is measured to the cladding. Claddings however vary in thickness.

**Kevin Collins** [47.12] seeks that roof overhang dimensions for the purpose of site coverage calculations and yard encroachments be taken from the outside line of the framing in the same manner in which yard setbacks are proposed to be measured. It should also exclude fascia, bargeboard and any spouting.

**Beverley Anne Tyler** [59.4] submits that height of all residential activity areas should be amended to be restricted to a maximum of 2 storeys (7m) as height is a factor that affects a neighbourhood's amenity.

**Kylie Mason** [83.11] submits that Rule 4D2.1.1(c) site coverage provisions need to be amended so that reference to decks over 20m<sup>2</sup> in the site coverage rule is removed in order to make it consistent with the General Residential Activity Area.

**Kylie Mason** [83.14] states that the standards and terms for subdivision limit the number of dwellings off a right of way, yet this does not apply to landuse consents. Resulting effect is that a loophole is created and the adverse effects associated with traffic on access ways are unable to be controlled with landuse consents.

**Kylie Mason** [83.15] submits that vegetation clearance rules are very permissive and do not recognise the importance of vegetation to amenity values within the Residential Activity Areas. Furthermore, the rules are difficult to apply as there is no guidance. Ideally the area of vegetation clearance should be reduced and an explanation on how to apply these rules included.

**Cuttriss Consultants** [85.23] comments that the Plan Change does not recognise that redeveloped sites with three or more dwellings will most likely be considered as joint subdivision and land use consents or that subdivision will follow construction of the dwellings. Further changes need to be made to the subdivision chapter to make sure it is consistent with the residential rules where three or more dwellings are proposed and it should be clarified that there will be no minimum allotment areas for the subdivision as well as the net site area for the dwelling.

**Cuttriss Consultants** [85.25] request that a further connection needs to be added in relation to Permitted Activities. The District Plan currently lists permitted activities but this section does not say that the activity is permitted subject to compliance with the permitted activity conditions. This link would make the District Plan clearer for a first time reader rather than it being implied.

**Cardno TCB** [89.15] requests that "*or 35% of the site, whichever the lesser*" be deleted from Rule 4A2.3(b). For a 400m<sup>2</sup> site 35% is only 140m<sup>2</sup> which is likely to be totally used by buildings. Therefore a driveway and access would exceed the 35% vegetation removal limit.

**Chilton Saint James School** [104.3] comment that the permitted criteria for removal of up to 500m<sup>2</sup> of vegetation/40% of a site has the potential to significantly impact on the visual qualities of the Map 12 area. They request that the Design Guides and other provisions be amended to protect and enhance visual values and retain significant trees. Seek removal of trees over 8m in height be a restricted discretionary activity and that vegetation clearance of up to 200m<sup>2</sup>, where trees are up to 8m height, be provided as a controlled activity. Finally, that an increased clearance area be classify as a restricted discretionary activity.

## **Discussion**

Submissions received seek amendment of the following District Plan provisions:

- Definition of Yard – so that it is measured from the perimeter wall framing or outer edge of the foundation, whatever is the closest.
- Height of Residential Activity Areas - restrict to a maximum of 2 storeys (7m).
- Rule 4D2.2.1(c) Site Coverage [note should be Rule 4D2.1.1(c)] – make the permitted activity condition consistent with the General Residential Activity Area through amendment of the reference to decks over 20m<sup>2</sup> in area.
- Rule 4A2.1.1(e) Site Coverage and Rule 4A2.1.1(b) Yard Requirements - that roof overhang dimensions be taken from the outside line of the framing. Also exclude fascia, bargeboard and any spouting.

- Rule 11.2.2.1 Standard and terms for subdivision – consistencies between standards and terms for subdivision and landuse consents with regard to the number of dwellings located off a right of way.
- Vegetation clearance rules (Rule 4A2.3(b)), namely:
  - That the area of permitted vegetation clearance be reduced and an explanation provided on how to apply these rules.
  - That the text “or 35% of the site, whichever the lesser” be deleted from Rule 4A2.3(b).
  - That the Design Guides and other provisions be amended to protect and enhance visual values and retain significant trees; that removal of trees over 8m in height be a restricted discretionary activity; that vegetation clearance of up to 200m<sup>2</sup>, where trees are up to 8m height, be provided as a controlled activity; and an increased clearance area be classify as a restricted discretionary activity.
- Subdivision - changes need to be made to make sure it is consistent with the residential rules where three or more dwellings are proposed and it should be clarified that there will be no minimum allotment areas for the subdivision.
- Permitted Activities – that a connection be added in relation to Permitted Activities so it clearly says that an activity is permitted subject to compliance with the permitted activity conditions.

The Plan Change did not result in any amendment of the above District Plan provisions. With the exception of amendment of Rule 4D2.1.1(c), it is considered that the relief sought is outside the scope of the Plan Change and therefore cannot be considered as part of this process.

In addition, the relief seeking amendment of the definition of Yard and yard requirements and site coverage for the General Residential Activity Area is considered to be inappropriate and inconsistent with the methods used in District Plans within the region. An objective of the District Plan review to ensure the Hutt City District Plan is consistent with other Plans from within the District, thereby creating user-friendly planning documents and a consistent approach to planning within the region. The approach sought is not used elsewhere in the region. The amendment is also inappropriate and ineffective when considering the effects that the provision is intended to control.

Matters raised relating to subdivision and consistency with the residential rules were addressed as part of the residential review and through the recent subdivision plan change (Plan Change 10). The current subdivision provisions relating to three or more dwellings are considered appropriate and do not require further amendment.

Amendment of the maximum height controls for the residential activity areas was considered as part of the Residential Areas District Plan Review. As a result of this review it was concluded that the current height provisions are effective and efficient and did not require amendment. Consequently, the relief seeking amendment of these provisions is not considered appropriate.

It is agreed that the matters raised relating to the standards and terms for subdivision, provisions relating to vegetation clearance and clarification for permitted activities require consideration. It is therefore recommended that these matters be added to the list appended as Attachment 3 for consideration by Council at a later stage, through a separate plan change process.

While the proposed Plan Change did not result in amendment of Rule 4D2.1.1(c), it is considered that the relief sought is a necessary consequently amendment of the Plan Change required to ensure the changes to the District Plan are consistent in all chapters. As a result it is recommended that amendment be made to Rule 4D2.1.1(c) as sought.

### Recommendation

That the submissions of **Kevin Collins** [47.8] and [47.12], **Beverley Anne Tyler** [59.4], **Kylie Mason** [83.14] and [83.15], **Cardno TCB** [89.15], **Chilton Saint James School** [104.3] and **Cuttriss Consultants** [85.23] and [85.25] be rejected.

That the submission of **Kylie Mason** [83.11] be accepted and that the Plan Change be amended as follows:

#### **4D2.1.1 Permitted Activities – Conditions**

##### **(c) Maximum Site Coverage**

*For that area...*

*... from this measurement.*

*~~Decks of less than 20m<sup>2</sup> shall not be included in the calculation of site coverage provided the deck does not exceed 1.2m in height.~~*

### Reason

- Amendments sought to the definition of Yard, site coverage (for the General Residential Activity Area), yard requirements, maximum height, standards and terms for subdivision and provisions relating to vegetation clearance, are outside the scope of the Plan Change.
- Relief sought to Rule 4D2.1.1(c) is a necessary consequently amendment of the Plan Change required to ensure the changes to the District Plan are consistent in all chapters.

## **4.21. NEW PROVISIONS**

### **4.21.1. General**

#### Submissions

**John Pfahlert** [5.3] requests that the fencing rules allow construction of trellising on top of a 1.8m fence up to 2.5m. One issue not reviewed is fence height. In reducing the setback from boundaries some consideration should be given to the type and design of fencing allowed.

**Kevin Collins** [47.1] and **Kylie Mason** [83.17] request that that the activity of demolition and relocation of existing dwellings be included more clearly under the permitted activity rule.

**A & J Stevens** [54.2] submits that there should be a height restriction above ground level to limit the height of flagpoles. While most cause no problem, those erected to a great height on a prominent location can become a blot on the landscape and adversely affect residents.

- **The Catholic Schools Board Ltd** [56.1] requests that that existing state integrated schools in the residential zone be designated through this plan review; or if there is a legal constraint to this relief then amend the provisions so that existing state integrated schools are permitted activities within the residential zone. The Crown Law Office has concluded that the Minister is financially responsible for the operation of state integrated schools and therefore has authority to designate them in the District Plan. The most efficient and effective time to designate them is through the plan review process. The existing provisions place unreasonable constraints on the evolution and development of existing schools.

• **Ontrack** [57.4] for consistency with changes sought to Rule 4A2.3.1, a new policy under Rule 4A1.1.2 Higher Density Residential Development which states the following is sought:

(d) *To recognise and assess potential reverse sensitivity impacts on railway operations from new higher density residential developments.*

**Kylie Mason** [83.10] requests that particular consideration be given to solar panels, heat pumps and domestic wind turbines and whether such structures should be excluded from the yard, recession plane or height rules. It is probably not appropriate for wind turbines but consideration should be given to yards for heat pumps and recession planes for solar panels as neither are bulky and ensure developments are more sustainable. Consideration should also be given to restricting the proliferation of large satellite dishes as they are often not in keeping with the residential area.

**Petone Planning Action Group** [99.6] requests that a minimum size for residential units be set to avoid the unsustainable examples in Auckland.

**Tom Bennion** [170.14] *supports the submission by Petone Planning Action Group and states that the proposed change would reduce residential amenity.*

•  
**Chilton Saint James School** [104.1] submits that classification of all educational facilities as fully discretionary activities in the General Residential Activity Area is unduly onerous and inconsistent with the designation mechanisms available to state funded schools. Request that a sub zone be provided for private education or as a scheduled site in respect of Chilton St James campus. Alternatively seek that objectives, policies and criteria for new residential development and non-residential development are revised. Further request that the activity status for refurbishment of existing school buildings and existing outdoor facilities be amended to controlled activity status and the activity status for new development work be restricted discretionary.

**Nigel Oxley & Fiona Christeller** [117.2] state that the District Plan makes no provision for domestic energy generation. Seek that the definitions of building and height be amended to exclude:

1. Solar panel collectors with a limit on the area and height intrusions.
2. Wind power generators, both vertical and horizontal axis turbines, with a limit on height, blade sweep and noise generation.

Further request a comprehensive restructuring of the height/yard exclusions for service structures (flagpoles?) to houses by creating an appendix with the type of structures and their relevant dimensional controls set out.

**Nigel Oxley & Fiona Christeller** [117.3] seek that Bed & Breakfast facilities be included in the inclusive section of the definitions. The definition of Dwelling House and its exclusion for (b) visitor accommodation is not clear.

**The Masonic Villages Trust** [124.1] seek:

- Permitted activity status for residential facility and health care services on Lot 2 DP 23283 and part Lot 1 DP 302798 being the land associated with the existing Woburn Masonic Village at Wai-iti Crescent Lower Hutt.
- Amendment to the maximum height of buildings and structures for this site to 13m.
- They state that the Plan Change fails to provide an appropriate resource management control regime for the Masonic Villages Trust's residential care facility at Wai-iti Crescent, Lower Hutt, by the retention of provisions that class existing health care services and residential facilities as discretionary activities.

**Sue Lafrentz** [149.1] requests that height of all developments in the Higher Density Residential Area be restricted to two storeys and no earthworks allowed to increase the building to three storeys. Creates effects for property owners within or neighbouring the new higher density area, especially effects resulting from building bulk.

## Discussion

Submissions received seek the addition of the following provisions to the District Plan:

- Permit construction of trellising on top of a 1.8m fence up to 2.5m.
- The activity of demolition and relocation of existing dwellings be included under the permitted activity rule.
- A height restriction limit of flagpoles above ground level.
- Designation of existing state integrated schools in the residential zone or alternatively permitted activity status or existing state integrated schools within the residential zone.
- That a sub zone be provided for private education or as a scheduled site in respect of Chilton St James campus. Alternatively seek that objectives, policies and criteria for new residential development and non-residential development are revised.
- That the activity status for refurbishment of existing school buildings and existing outdoor facilities be amended to controlled activity status and the activity status for new development work be restricted discretionary.
- Exception for heat pump encroachments within yard requirement and solar panels within recession planes.
- Exception for solar panel collectors, with a limit on the area and height intrusions, and wind power generators, both vertical and horizontal axis turbines with a limit on height, blade sweep and noise generation, within the definitions of Building and Height.
- Restriction on the proliferation of large satellite dishes.
- A comprehensive restructuring of the height/yard exclusions for service structures (flagpoles) to houses by creating an appendix with the type of structures and their relevant dimensional controls set out.
- A minimum size for residential units be set.
- Definition of Bed & Breakfast facilities.
- Permitted activity status for residential facility and health care services on Lot 2 DP 23283 and part Lot 1 DP 302798 being the land associated with the existing Woburn Masonic Village at Wai-iti Crescent Lower Hutt.
- Amendment to the maximum height of buildings and structures on the existing Woburn Masonic Village site to 13m.
- That height of all developments in the Higher Density Residential Area be restricted to two storeys and no earthworks allowed to increase the building to three storeys.

These matters were not considered or included within the Plan Change. It is therefore considered that the relief sought is outside the scope of the Plan Change and therefore cannot be considered as part of this process.

- With regards to the request to provide for heat pump encroachments within yard requirements it is noted that the location of these structures within yard requirements is provided for through the recommendation under section above 4.4.1 to reinstate the exclusion of structures less than 1.2m in height within the definition of building.

Issues raised relating to reverse sensitivity issues in Higher Density Residential Areas are discussed under section 4.17.2 of this report. This discussion concludes that wording relating to reverse sensitivity is not necessary and as such amendment as sought is not required.

Amendment of the maximum height controls for the Higher Density Residential Area was considered as part of the Residential Areas District Plan Review. As a result of this review it was concluded that the current height provisions are effective and efficient and did not require amendment. Consequently, the relief seeking amendment of these provisions is not considered appropriate.



It is however concurred that, with the exception to restrictions on height of developments of in the Higher Density Residential Area and reverse sensitivity issues, all of the matters raised require consideration. It is therefore recommended that these matters be added to the list appended as Attachment 3 for consideration by Council at a later stage, through a separate plan change process.

### **Recommendation**

That the submissions of **John Pfahlert** [5.3], **Kevin Collins** [47.1], **A & J Stevens** [54.2], **The Catholic Schools Board Ltd** [56.1], **Kylie Mason** [83.10] and [83.17], **Petone Planning Action Group** [99.6], **Chilton Saint James School** [104.1], **Nigel Oxley & Fiona Christeller** [117.2] and [117.3], **The Masonic Villages Trust** [124.1] and **Sue Lafrentz** [149.1] and further submission of **Tom Bennion** [170.14] be rejected.

### **Reason**

Amendments sought are outside the scope of the Plan Change.

## **4.22. GENERAL**

### **4.22.1. Low Impact Urban Design**

#### **Submissions**

**Waiwhetu Stream Working Group** [52.4] request that Council pay attention to the principles of 'Low Impact Urban Design and Development' (LIUDD) in the development of all plan changes affecting residential, business and commercial activity areas.

#### **Discussion**

It is recommended that the design guidelines be amended to include reference to some measures to reduce the effects of development on the natural environment and demand on the City's infrastructure (see discussion under 4.14 .1).

Reference to future plan changes is however outside the scope of this Plan Change. Although, it is noted that Council is taking an active role in incorporating sustainable and low impact design objectives and methods in the District Plan where possible.

#### **Recommendation**

That the submission by **Waiwhetu Stream Working Group** [52.4] be accepted in part.

That part of the submission which is recommended to be accepted relate to inclusion of reference to low impact design in the design guidelines. That part of the submission which is recommended not to be accepted relate to inclusion of reference to low impact design in other parts of the Plan.

#### **Reason**

Additional matters relating to low environmental design will encourage developers to consider measures to make their designs more sustainable.

### **4.22.2. Section 32**

#### **Submission**

**Christopher Hay** [33.4] submits that statements in the evaluation which refer to inefficient use of Council's resources, Council processing efficiencies and property values do not seem to be contemplated by the purpose and principles of the Act. This

suggests that Council may have taken non-RMA matters into consideration in selecting relevant options and that the option selection process is flawed.

**Cuttriss Consultants** [85.24] consider that further explanation could have been provided in the Section 32 to outline why no minimum net site area is applicable when three or more dwellings are proposed and why the three dwellings threshold was chosen. The Section 32 should have included more information about how the high density areas were extended, including disclosing the edges of particular shopping centres. Otherwise how can anyone understand the Plan Change in respect of their property?

### **Discussion**

The Section 32 analysis is a requirement of the Resource Management Act for all plan changes. It essentially involves an assessment of all relevant environmental and social costs and benefits of the plan change.

Reference to inefficient use of Council's resources, Council processing efficiencies and property values are some of the costs considered as part of the Section 32 analysis for this Plan Change. They are all considered valid implications of the Plan Change and are thus appropriate to include in the Section 32 assessment.

Discussion under section 4.5.1 of this report provides further clarification on the matter of not imposing a minimum net site area, under section 4.17.2 on the matter of development of 3 or more dwellings and under section 4.18.2 regarding the Higher Density Residential Areas. These matters are now considered to be adequately addressed.

### **Recommendation**

That the submissions of **Christopher Hay** [33.4] and **Cuttriss Consultants** [85.24] be rejected.

### **Reason**

The Section 32 analysis for this Plan Change adequately assesses the environmental and social costs and benefits of the proposed changes.

## **4.22.3. Further Submissions**

### **Submissions**

**Lawrence James** [156.1] does not support the proposed Plan Change amendments as it will be against the best interests of neighbouring properties. Seeks that the Plan Change not be implemented and that Council insist that all proposed development fit in with the over-all character of the neighbourhood.

**Agnes McNab** [161.1] submits that the proposed amendments in Wainuiomata should be withdrawn in their entirety. There has been no publicity made about this change and so very few residents are aware of the problems that could be created if it is approved. There should be proper investigations carried out to ascertain the sewer drainage in the area. The Plan Change could also result in problems with traffic on the main road into Wainuiomata. Seeks that the Council withdraw any changes that could allow higher density housing in Wainuiomata.

**Angus Gibb** [162] would like his two submissions lodged on the discussion document to be included as part of this Plan Change. A summary of these submissions includes: concern regarding how certain types of development is conducive to antisocial behaviour; infill development will often be tenanted which may attract brothels and 'tinny houses'; infill development should reflect global warming and all developments should have raised floor levels and concern regarding flooding and industrial development adjoining his property.

**Agenda Development Planning Ltd** [164.1], [164.2], [164.3], [164.4], [164.5], [164.6], [164.7] and [164.8] submit that:

- Higher and medium density development: Consideration should be given to renaming the proposed “higher density” areas to “medium density”. The general intention of increasing densities in the locations shown is sensible but in some instances higher densities would be justified and could be achieved while retaining a high standard of amenity. The densities that would be achieved in the proposed high density areas is not particularly high by international standards and reference to them as medium density would allow the term “higher density” to be used for a later plan change applicable to selected locations. Also suggest that in many instances the heights could be increased and recession planes steepened within the high density areas without resulting in significant adverse effects on neighbouring properties.
- Residential amenity issues: Not sure that these can be dealt with satisfactorily by design guides alone. Some means of ensuring that setbacks are varied along the length of larger buildings in higher density areas is needed.
- Neighbourhood character areas: Concerned with the possible erosion of neighbourhood character in some areas including parts of Petone. And that representative areas be afforded protection either as areas of special residential character or as building conservation areas.
- Areas omitted from the Plan amendments: Some areas are omitted from the amended plan provision that are closer to good public transport services and local shopping centres than some other streets that are more distant. Such areas include parts of Alicetown, Naenae and Stokes Valley.
- Natural hazards: Areas within natural hazard zones, particularly the fault line zone, should not be included in the higher density provisions. It would be appropriate to support relocation of vulnerable residential uses away from this area rather than intensifying it.
- Covenants on new subdivisions: Sections being sold in many new subdivisions have covenants attached to prevent more than one main dwelling on the site. This practice should be subject to further study and a means of controlling this introduced where appropriate.
- Other design issues: Suggest that design guides include provisions for garage doors to be significantly recessed behind the front of the garage, particularly where these can be viewed from outside a properties boundary. This would avoid flat facades and result in an overall improvement in the general standard of residential design.
- Financial contributions: work on the increased demand for public transport infrastructure that will result from increasing residential densities should be undertaken. Changes to financial contributions should take this into account and look at ways in which contributions could assist in improving infrastructure such as bus shelters and improved railway stations.

### **Discussion**

These submissions were received on the Plan Change during the notification of the summary of submissions for the call of further submissions. They have therefore all been treated as further submissions.

The submissions are however either original submissions (on original submission forms) or are further submissions lodged on further submission forms but with no reference to an original submission. They therefore are not valid further submissions.

As detailed under clause 8 of the First Schedule of the Resource Management Act, further submissions must support or oppose original submissions and cannot introduce new matters or relief sought.

As the submissions were received after the notification of the summary of submissions they cannot be considered as original submissions. Doing so would be unfair and would require re-notification of the summary of submissions.

Consequently, these submissions cannot be considered as part of this Plan Change process.

It is however noted that matters raised in these submissions were addressed by other submitters and have therefore been addressed elsewhere in this report. Specifically, matters relating to general opposition on the Plan Change are dealt with under 4.2.1 of this report, matters relating to higher density residential development in Wainuiomata under 4.18.5, matters relating to higher density/infill residential development under 4.17.2 and 4.18.2, matters relating to the Design Guide under 4.14.1, matters relating to flooding under 4.18.2 and matters relating financial contributions under 4.15.1 of this report.

### **Recommendation**

That the further submissions of **Lawrence James** [156.1], **Agnes McNab** [161.1], **Angus Gibb** [162] and **Agenda Development Planning Ltd** [164.1], [164.2], [164.3], [164.4], [164.5], [164.6], [164.7] and [164.8] be rejected.

### **Reason**

The further submissions are not valid and cannot be considered as part of this Plan Change process.

## **4.22.4. Others**

### **Submissions**

**Maungaraki Community Association** [32.4] believe that Maungaraki is no less special than Korokoro and consideration should be given to consistent policy on the hills. All areas from Haywards to Korokoro are affected by the same key issues.

**Helen Alexander Bruce** [51.1] seeks assurance from Council that they will abide by the policy with regard to height, location on site, intensity and scale and that Council will administer this principle both within and outside the Higher Density Residential Area.

**Philip Deere** [63.1] would like additional buildings (over 3m high) to be notified to at least the neighbouring properties, particularly situations of additional 'close to boundary' structures.

**Graeme Lester Lyon** [79.12] submits that the Plan Change should be more considerate of individual community desires rather than one size fits all. There should be identification in Plan Change of management of an urban design approach for each suburb as to where higher density housing should be provided for, especially in Alicetown, Petone and Eastbourne. The existing character should not be detracted from yet in the Plan Change there appears to be no attention to identifying community characters and possibilities.

**Kathleen & John Yardley** [81.1] state that the timing allowed to read, understand and file a submission is unreasonably short and unfair. Weltec have been approved expansion as a non-complying activity to increase site coverage, increase student numbers, develop a large carpark, among other activities. This has dramatically changed the residential character and amenity values of Kensington Ave and the adjoining residential streets. This area needs to be treated as a special case in any District Plan review. Council has been very selective with respect to higher density areas. Submitter's property is adjacent to major transport routes and commercial centres, yet the higher density is much lower than the density of the non-residential

neighbour. They want Council to be fair and equitable in its dealings with residential owners.

**Cuttriss Consultants** [85.17] and [85.19] acknowledge that re-numbering of some parts of the Plan Change has occurred as a consequence of changes. They are neutral on this change.

**Alan Wilmore Webb** [86.1] comments that having settled on which areas are suitable for High Density Residential, that the Council ensure that the integrity of the District Plan is maintained and that proposed subdivisions less than specified are declined.

**NZ Transport Agency** [97.4] understands that the Plan Change has been premised on a number of existing Hutt City Council policies, including the Cycling Strategy and Hutt City Walking Strategy. Supports the use of these policies when considering land use development in Hutt City as this will help to encourage the uptake of walking and cycling as alternative modes of travel.

**Nigel Oxley & Fiona Christeller** [117.13] submit that provision for dairies as Discretionary Activities limits the gross floor areas to 100m<sup>2</sup> and that if retail access to all residential areas is to be encouraged, this should be increased to a reasonable size.

**St Oran's College** [128.1] comments that the Board would object to the Plan Change if it could result in any impacts that may be negative to the future opportunities for the college. The college would like a copy of the summary of submissions.

**Eastbourne Community Board** [146.1] submits that the proposed changes generally give effect to the policies the Board has previously substantially supported. However, the Board states its disappointment that its submission regarding control of development and recognition of the special character of the coastal margin were not discussed and have not been recognised here.

**James McTaggart** [148.1] submits that trees and shrubs that are blocking the views of neighbours and overhanging people's driveways, be reduced in height and width. More consideration should be given when permitting two storey houses that block views and sun.

### **Discussion**

General matters raised in submissions on the Plan Change include:

- Consideration should be given to consistent policy on the hills.
- Assurance from Council that they will abide by the policy with regard to height, location on site, intensity and scale and that Council will administer this principle both within and outside the Higher Density Residential Area.
- Notification, to at least the neighbouring properties, of additional buildings (over 3m high), particularly where close to a boundary.
- The Plan Change should be more considerate of individual community desires rather than one size fits all.
- Timing allowed to read, understand and file a submission is unreasonably short and unfair.
- Consideration of the area bordered by Kensington Ave as special case.
- Ensure that the integrity of the District Plan is maintained and that proposed subdivisions less than specified are declined.
- Supports the use of the Cycling Strategy and Hutt City Walking Strategy when considering land use development in Hutt City.
- Would object to the Plan Change if it results in any impacts that may be negative to the future opportunities for the St Oran's College.
- Disappointment that the control of development and recognition of the special character of the coastal margin were not discussed and have not been recognised in the Plan Change.

- Trees and shrubs that are blocking the views of neighbours and overhanging people's driveways, be reduced in height and width.
- More consideration should be given when permitting two storey houses that block views and sun.
- Acknowledge that re-numbering of some parts of the Plan Change has occurred as a consequence of changes. .
- Seeks an increase in the limitation on the size of dairies as Discretionary Activities.

In reply to these matters the following is noted:

- The District Plan currently contains Objective and Polices with respect to residential development within the hill suburbs. This policy is considered to be appropriate.
- The District Plan provides for activities that exceed bulk and location and subdivision standards to apply for resource consent for the infringement. The application for such an infringement is assessed in accordance with the requirements of the Resource Management Act and is only granted if considered appropriate in terms of the direction provided by the District Plan and the requirements of the Act.
- Where Council deems a neighbour to be potentially affected by an application for an infringement on an adjoining property (i.e. height), those neighbours will be notified of the application.
- In preparing the Plan Change, the requirements and desires of individual communities were taken into consideration.
- The notification of the Plan Change, including the timing for the filing submissions, exceeded the requirements stipulated under the Act and were longer than typical for a Plan Change to ensure the public received an appropriate amount of time to consider the Plan Change fully.
- The area surrounding Weltec in Petone will be considered as part of a separate plan change process, currently being initiated by Council.
- The Cycling Strategy and Hutt City Walking Strategy were considered in the preparation of the Plan Change.
- Submissions relating to education activities at St Oran's College are outside the scope of the Plan Change.
- Matters relating to recognition of the special character of the coastal margin are outside the scope of this Plan Change.
- It is not realistic or feasible for Council to control the height of trees and shrubs in relation to neighbours properties.
- The maximum height for dwellings was considered through the review of the residential areas and was concluded to be appropriate and was consequently not amended through this Plan Change. As a result the submission relating to permitting two storey houses that block views and sun is outside the scope of this Plan Change.
- The submission relating to the increase in the limitation on the size of dairies as Discretionary Activities is outside the scope of the Plan Change.

It is however recommended that matters relating to recognition of the special character of the coastal margin and amendment of the limitation on the size of dairies as Discretionary Activities be added to the list appended as Attachment 3 for consideration by Council at a later stage through a separate plan change process.

### **Recommendation**

That the submissions of **Maungaraki Community Association** [32.4], **Kathleen & John Yardley** [81.1], **Alan Wilmore Webb** [86.1], **Nigel Oxley & Fiona Christeller** [117.13], **St Orans College** [128.1] and **James McTaggart** [148.1] be rejected.

That the submissions of **Helen Alexander Bruce** [51.1], **Philip Deere** [63.1], **Cuttriss Consultants** [85.17] and [85.19], and **NZ Transport Agency** [97.4] be accepted.

That the submissions of **Graeme Lester Lyon** [79.12] and **Eastbourne Community Board** [146.1] be accepted in part.

Those parts of the submissions which are recommended to be accepted relate to general support for the Plan Change and the consideration of the communities desires as part of the preparation of the Plan Change. Those parts of the submissions which are recommended not to be accepted relate to recognition of the special character of the coastal margin and a specific urban design approach for each suburb.

**Reason**

The matters raised in the submissions are either outside the scope of the Plan Change or are already dealt with in the District Plan or the proposed Plan Change.





## Attachment 1: Recommended Amendments

(Note for the purpose of this report only the changes recommended in this report have been shown here.)

### 1. Amend the definition for Accessory Building under Chapter 3 Definitions as follows:

**Accessory Building:** a building not being part of the principal building on the site, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building is erected, it is a building accessory to the use of the principal building permitted on the site. This includes a tool shed, playroom, recreation room, glasshouse, swimming pool and spa pool, but ~~excludes any habitable room~~ self-contained residential accommodation and in rural activity areas will include buildings accessory to rural land uses.

### 2. Amend the definition for Building under Chapter 3 Definitions as follows:

**Building:** means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 - Utilities.
- (d) decks less than 500mm in height;
- (e) all structures less than 1.2 metres in height;
- (e f) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
- (f g) all signs, as defined in this Plan.

### 3. Amend the definition for Permeable Surface under Chapter 3 Definitions as follows:

**Permeable Surface:** Any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water to drain through to a permeable surface. It does not include any area which:

- c) Falls within the definition of site building coverage except for decks as above;
- ~~d) Is covered by decks which do not allow water to drain through to a permeable surface;~~
- ~~e)b) Is occupied by swimming pools; or~~
- ~~e)c) Is paved with a continuous surface.~~

### 4. Amend Objective 4A1.1.2 relating to higher density residential development as follows:

#### 4A1.1.2 Local Area Issues – Higher Density Residential Development

##### Objective

To ensure opportunity is made for higher density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely and where there is appropriate servicing of development.

5. Amend Policy 4A1.1.2(a) relating to higher density residential development as follows:

**4A1.1.2 Local Area Issues – Higher Density Residential Development**

**Policies**

- (a) That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely and where there is appropriate servicing of development.

6. Amend Policy 4A1.1.2(c) relating to higher density residential development as follows:

**4A1.1.2 Local Area Issues – Higher Density Residential Development**

**Policies**

- (c) That ~~design guides be developed to direct and encourage~~ higher density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Higher Density Housing (Appendix 18) and which maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.

7. Amend the Explanation and Reasons relating to higher density residential development under Rule 4A1.1.2 as follows:

**4A1.1.2 Local Area Issues – Higher Density Residential Development**

**Explanation and Reasons**

The Plan will manage the effects of higher density development by managing site layout, building height, bulk, and site coverage and landscaping through the use of permitted activity standards. Other aspects of design such as quality of onsite amenity, landscaping, integration of buildings with open space, compatibility with surrounding development patterns and low environmental impact will be managed through the use of Design Guides. The aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas.

8. Amend Policy 4A1.2.1(j) relating to Design Guides as follows:

**4A1.2.1 Site Development Issues – Building Height, Scale, Intensity and Location**

**Policies**

- (j) To ~~establish~~ ensure that the developments are in general accordance with the Design Guides for Higher Density Housing (Appendix 18) to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns and low environmental impact.

9. Insert an explanation for permeable surfaces under Rule 4A1.2.1 as follows:

**4A1.2.1 Site Development Issues – Building Height, Scale, Intensity and Location**

**Explanation and Reasons**

**g) Permeable Surface**

Provision for a minimum permeable surface area assists with Council's management of stormwater. Where there are too many hard surfaces in the City increased demand is put on the stormwater infrastructure and increases the risk of flooding.

**10. Insert a permitted activity condition relation to building length as follows:**

**Rule 4A2.1.1(f) Permitted Activity Conditions**

**Continuous Building Length**

Steps shall be provided along the length of exterior walls in accordance with the following table:

<u>Length of exterior wall</u>	<u>Minimum number of steps</u>
<u>&lt; than or =20m</u>	<u>0</u>
<u>&gt; 20m &lt; than or = 24m</u>	<u>1</u>
<u>&gt; 24m &lt;than or= 28m</u>	<u>2</u>
<u>&gt; 28m &lt;than or= 32m</u>	<u>3</u>
<u>&gt; 32m</u>	<u>4 + 1 for every additional 10m of length over 32m</u>

Where steps are required above:

- One step shall have a minimum depth of 2m. Any steps required thereafter shall have a minimum depth of 1m.
- One step shall have a minimum length of 2m. Any steps required thereafter shall have a minimum length of 4m.
- No length of any exterior wall shall exceed 20m without a step of the required dimension having commenced.
- The required steps shall be provided at all levels of the exterior wall.

Provided that:

- (i) This rule shall not apply to any part of an exterior wall which is more than 10m from every internal boundary and more than 6m from a road boundary.
- (ii) Where no part of a building exceeds 5.5m in height, this rule shall not apply to any exterior wall of less than 28m in length.

For the purpose of this rule step, depth and length have the following meanings:

- Step means a change in the line of an exterior wall or a distance between two buildings on the same site.
- Depth means a step in an exterior wall shall be measured at right angles to the exterior wall from which it is being measured.
- Length means the maximum dimension of any step or exterior wall of a building as measured along each elevation of the building, except where buildings on the same site are separated by a distance of less than 3.6m (as measured from exterior wall to exterior wall), the length shall be the combined maximum dimension of all of the exterior walls, including any distance between them.

**11. Amend Rule 4A2.3(a) for development of 3 or more dwelling houses as follows:**

**4A2.3 Restricted Discretionary Activities**

- (a) Residential development of 3 or more dwelling houses ~~on any site~~ within the Higher Density Residential Area, excluding sites located within Petone, Eastern Bays and Moera General Residential Activity Areas and Higher Density Residential Areas as shown in Appendix 17.

**12. Amend Rule 4A2.3.1(a)(i) relating to Design Guides as follows:**

**4A2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms**

**(a) Residential development of 3 or more dwelling houses.**

(i) Design Guidelines:

Consideration shall be given to how the proposal addresses the ~~Higher Density Housing Design Guidelines~~ Design Guide for Higher Density Housing (Appendix 18).

**13. Delete Rule 4A2.3.1(b)(i) as follows:**

**4A2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms**

~~**(b) Residential development of 3 or more dwelling houses on sites located outside the Higher Density Residential area**~~

- ~~(i) In addition to the above, on any site located outside the Higher Density Residential area consideration shall be given to whether public transport facilities and non-residential services such as education facilities, places of assembly, medical and emergency facilities and retail activities which provide for residents daily needs, are accessible within reasonable walking distances.~~

**14. Amend the Other Matters under Rule 4A2.3.2 as follows:**

**4A2.3.2 Restricted Discretionary Activities - Other Matters**

**For Restricted Discretionary Activity (a):** All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) - (m), ~~and (n) excluding only Chapter 14A relating to Transport.~~

**For Restricted Discretionary Activities (b) – (e) and (i):** All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

**15. Amend Rule 4A2.4.1(c)(i) in relation to Design Guides as follows:**

**4A2.4.1 Assessment Matters for Discretionary Activities**

(c) With respect to residential development of 3 or more dwelling houses consideration shall be given to:

- (i) How the proposal addresses the ~~Higher Density Housing Design Guidelines~~ Design Guide for Higher Density Housing (Appendix 18).

**16. Amend Rule 4A2.4.1(c)(iii) as follows:**

**4A2.4.1 Assessment Matters for Discretionary Activities**

(c) With respect to residential development of 3 or more dwelling houses consideration shall be given to:

...

- (iii) Whether public transport facilities, high quality pedestrian networks and open space and non-residential services such as education facilities, places of assembly, medical and emergency facilities and small retail activities which provide for residents daily needs, are accessible within reasonable walking distances.

**17. Amend Appendix General Residential 17 as follows:**

~~Higher Density Residential Excluded~~ areas referred to in Rules 4A2.3 and 4A2.4. [Amend all four references to this sentence]

**18. Amend Rule 4D2.1.1(c) Permitted Activity Condition for Maximum Site Coverage as follows:**

**4D2.1.1 Permitted Activities – Conditions**

**(c) Maximum Site Coverage:**

For that area in Maungaraki Road (identified in Appendix Hill Residential 6) – 30%.

The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

~~Decks of less than 20m<sup>2</sup> shall not be included in the calculation of site coverage provided the deck does not exceed 1.2m in height.~~

**19. Amend Rule 12.2.1.7(a) rules for financial contributions relating to reserve as follows:**

**12.2.1.7 Rules - Financial Contributions relating to reserves**

**(a)** Where the subdivision results or will result in an increase or an intensification of use of land, whether for residential or commercial or industrial activities, the reserve contribution shall be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment, ~~to provide a maximum dollar contribution of \$10,000 per allotment created in residential activity areas or \$5,000 per allotment created in rural activity areas.~~

**20. Amend Appendix Transport 3 of Chapter 14A Transport as follows:**

**Appendix Transport 3**

**Minimum Parking Standards**

ACTIVITY	PARKS	UNIT
RESIDENTIAL		
3 or more dwelling houses on any single site in the <u>Residential Activity Areas</u>	1	dwelling

**21. Make consequential numbering changes which are required as a result of the above amendments.**

**22. Amend the Design Guide as follows:**

# Design Guide for Higher Density Housing

## Introduction

The purpose of the design guide is to provide design criteria for higher density residential development to ensure well designed, quality multi unit housing. These developments, because of their higher density and potential effect on residential amenity, require resource consents. Applications will be required to demonstrate how the design of the development has addressed these criteria in addition to compliance with the relevant standards in the District Plan.

The design of higher density residential development needs to respond to the qualities of the street and the area, and to provide for the needs of the inhabitants in respect of amenity issues such as sunlight, privacy, open space and the qualities usually enjoyed in residential areas. In addition it should minimise impacts on the natural environment and incorporate sustainable design approaches where possible.

## Aims for higher density housing

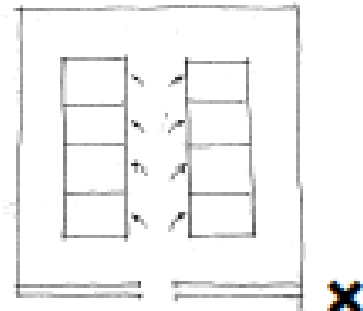
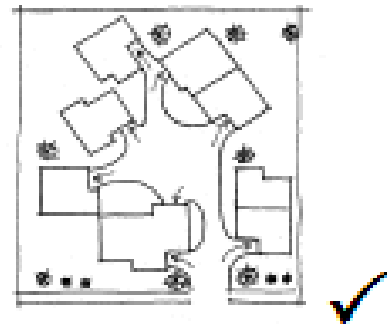
- Houses and open space are located and arranged on the site in an integrated and comprehensive whole.
- Higher density development is compatible with the existing character of development in the neighbourhood.
- New development contributes to amenity and safety within the site, for neighbouring properties and the surrounding area.

- Reasonable privacy for the residents and neighbours is provided through well considered siting and design of buildings.
- Higher density development contributes to environmental sustainability goals by providing homes which are efficient to run and reduce impacts on the environment.

## Guidelines

### Integrated Buildings and Spaces

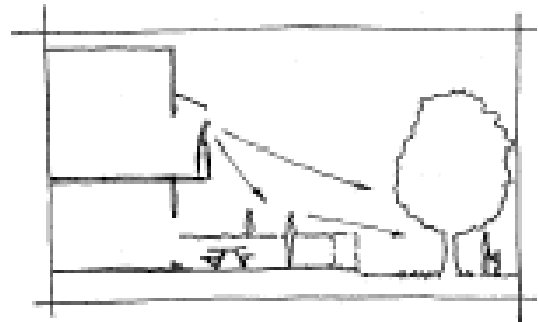
- The siting of buildings and open space should be designed in an integrated way so that buildings can connect with useful outdoor space and to ensure reasonable privacy, good access to sunlight, and a sense of openness and independence.
- Living areas within dwellings should be oriented for optimal solar gain.
- Dwellings should be designed to incorporate simple energy efficient techniques such as provision of bigger eaves.
- Each unit should have its own private outdoor space and this should be accessible from the main living area and oriented for optimal receipt of sunlight.



*All units should be independent in terms of some private outdoor space, and reasonable privacy. Outdoor space within the site needs to be planned for at the design stage to ensure it is useable rather than residual to the buildings. It also needs to be easily accessible and connected to main living areas.*

- Where units are at first floor level, balconies or roof terraces may be appropriate to provide for outdoor space, provided that they fulfill the requirements of open space as if the space was at ground level.
- Where there are shared outdoor spaces, these should connect with the built development by ensuring windows overlook the space, doors to units open on to the space and the dominance of the area by garage doors or parked cars is avoided.

*Shared spaces can contribute positively to the enjoyment of a development. They can be used for meeting places, barbeque areas and a place to kick a ball around. These spaces can be made more enjoyable and safe if people inside units can oversee activity in them. These areas should not be used for carparking as the dominance of cars within these areas will detract from their ability to be used for these activities and the amenity of the development.*



- House design should reduce the home's load on infrastructure services by, for example:
  - The use of impermeable surfaces should be minimised.
  - Consider using on-site stormwater conservation measures where appropriate such as rain tanks, gardens, swales, landscaping areas and wetlands.



## Fitting in the neighbourhood

- The siting and layout of buildings should respect the existing built character and patterns of the neighbourhood. This pattern may consist of the distance of buildings from the street edge, distance between buildings, height and width of buildings and types of buildings. Respecting this pattern in new development can be demonstrated by adopting a similar pattern while not replicating exactly the detailed design of buildings in the neighbourhood.
- The design and siting of buildings should take into account the potential for development on adjacent sites. It should therefore aim to maintain privacy and amenity on the site and at the boundaries taking into consideration possible future higher density residential development on adjacent sites.

*It is important to consider what is permitted on adjacent sites. They too could be redeveloped and the same issues of sunlight and privacy will be relevant.*

- Where the development is in an area of single units on single sites, the greater building bulk associated with higher density residential development can be arranged in terms of layout and form to relate to the scale of the neighbouring housing by:
  - Clearly separating units rather than placing in one large block or using minor setbacks in alignment to reduce the perception of bulk.



Existing built character



- Varying the size of units reflecting the variation of house size in the neighbourhood.
- Reducing the height and varying the form of units as they relate to adjacent properties to avoid a large dominant form at the boundary.
- Retain existing trees and vegetation on the site to assist the integration of the new development within the site and the neighbourhood.

*Understanding the key built patterns of the area and its natural characteristics and features will help guide new development so that it can sit comfortably within an established area and retain the amenity enjoyed by the neighbourhood and its residents.*

- Individual units are designed and articulated to provide a sense of individuality.

*Most people like to identify their homes by some sense of individuality and this also adds to the visual interest of the development also found with the variety of housing in existing areas.*



## **Vehicles**

- Accessways and vehicle manoeuvring spaces should be designed to ensure cars enter and leave the site slowly, are attractive and landscaped as an integral part of the development. The amount of sealed surfaces should be minimised and permeable paving used where possible.

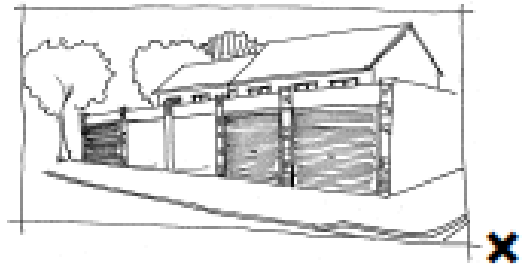
*To ensure the safety of people within the development, it is important that the layout and landscaping requires vehicles to move slowly within the area and also coming and going. Areas used by cars should be designed so that it is clear to drivers that the spaces are shared with other activities.*

- The layout of buildings on the site should ensure that garages and open carparking are not in a line on the street frontage and within the development so there is not a dominance of vehicles and garaging at the street edge or adjacent to shared spaces.

*Lines of garages at the street edge tend to block visibility between the buildings and the street which detracts from the liveliness of the area and reduces the ability of the units to oversee the street and thereby contribute to the safety of the area. The monotony of a line of garages can also conflict with the pattern of existing development.*

- The design and materials of carports and garages should be consistent with that of the whole development.

*Garages should not be regarded as separate from the development or that their design is less important.*



## Fences and Walls

- Front fences and walls should be designed of materials compatible with the overall development and should not be so high as to preclude occupants looking out to the street.

*Fences can reduce the visibility from the development to the street which reduces the potential for overseeing and safety.*

Consider the use of trees and hedges to enhance privacy, provide screening and delineate property boundaries .

## Site facilities

- Outdoor rubbish and recycling storage space should be located so that it is not visually obtrusive and is accessible to all units.

*Rubbish and storage can detract from the appearance of the development and the neighbourhood and as with most existing houses, is most appropriately located in the least visible area.*

- Each unit should be designed to provide an open air clothes drying line which is easily accessible and receives natural sunlight.

*Site facilities are required to meet the needs of the residents and for multi unit developments, facilities can be shared. They need to be incorporated into the overall design of the development in order to enhance the amenity of the site and the surrounding*

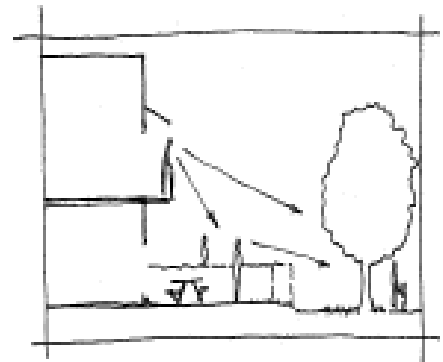
## Privacy and Safety

- The positioning of windows and doors should be oriented to the street and to shared spaces to provide an outlook while maintaining privacy within the unit.

*While privacy is important, entrances and windows adjacent to public or shared space mean that residents can contribute to making the space active and safe.*

- A separate entry for each unit should be provided that is accessible from shared areas or the street and which provides a sheltered threshold to the unit. It should be well lit and highly visible as the entrance to the unit. The entry should be able to provide for individuality and personalisation by the occupant.

*Visible entrances with some expression of individuality are important for people to be able to find an address.*



**23. Amend the District Planning Maps as follows:**

**Attachment 2:      Shading Diagrams**

### Attachment 3: Issues to be Reviewed

As a result of the recommendations made in this report on the submissions received on Plan Change 12, the following table provides a list of issues that are recommended to be reviewed at a later stage as part of a separate Plan Change process.

	Issue	Submitter	Submitter #
1	<ul style="list-style-type: none"> <li>Sub clause (i) of the yard requirements 4A2.1.1(b)(i) – reduction in setback for garages and carports.</li> </ul>	Ron Mclvor and Nigel Oxley & Fiona Christeller	42.1 and 117.7
2	<ul style="list-style-type: none"> <li>Consideration of reduction in side yard requirement where an existing building abuts a Right of Way boundary on an infill subdivision, provided the building is at least 2.8m from the opposite side of the Right of Way.</li> </ul>	Wigley & Roberts Ltd	12.4
3	<ul style="list-style-type: none"> <li>Exclusion of “service structures” from the recession plane permitted activity standard i.e solar panels.</li> </ul>	Nigel Oxley & Fiona Christeller	117.2 and 117.8
4	That NZ Standards 6801/2008 Acoustics – Measurement of Environmental Sound and 6802/2008 Acoustics – Environmental Noise apply to the District Plan, replacing the currently listed NZ Standards.	Geraldine Mary Laing	163.1
5	That the words “or motorcycles” are inserted at the end of Rule 4A2.1.1(g)(iv).	Geraldine Mary Laing	163.2
6	that an additional permitted activity condition be added after Rule 4A2.1.1(r) as follows: <i>‘Waterloo Bus Depot, that area of Pt Sec 30 Hutt District located on the western side of the Wairarapa Railway line between Knights Rd and Wilford Street.</i> <i>Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.</i> <i>All permitted repair and servicing activities may only be carried out in the existing buildings and structures on the site</i>	Geraldine Mary Laing	163.3
7	Consideration of the provision of Bed & Breakfast facilities in the General Residential Activity Area, including a definition.	Kylie Mason and Nigel Oxley & Fiona Christeller	83.4 and 117.3
8	Consideration of concern about the noise and traffic problems associated with IHC facilities.	J & D Bowles, K & R Whitmore & Others	8.1
9	Amend the General Residential Appendix for maximum height to provide clarity of the meaning of maximum height and maximum overall height.	Kylie Mason, Cardno TCB, NZ Institute of Surveyors, Ruth Fletcher, and Nigel Oxley & Fiona Christeller	83.16, 89.12, 91.9, 100.1, 117.14
10	Issues relating to the implementation of Rule 12.2.1.7 with regards to financial reserve contributions.	Various – refer to section 4.15 of this report	Various
11	Consideration be given to the removal of the retail and commercial impact fees as these are now covered by the development contributions.	Kylie Mason	83.5
12	Clarify anomaly in the District Plan between the carparking requirement for new dwellings and the carparking requirement for subdivision.	Kylie Mason	83.13



13	Consideration be given to the inconsistencies between standard and terms for subdivision and landuse activities in the General Residential Activity Area with regard to the number of dwellings located off a right of way.	Kylie Mason	83.14
14	Amendment of vegetation clearance Rule 4A2.3(b): Reduction of the permitted vegetation clearance area and explanation on how to apply these. Deletion of the “or 35% of the site, whichever the lesser” from Rule 4A2.3(b). That removal of trees over 8m in height be a restricted discretionary activity; vegetation clearance of up to 200m <sup>2</sup> , where trees are up to 8m height, be a controlled activity; and an increased clearance area be restricted discretionary activity.	Kylie Mason, Cardno TCB and Chilton Saint James School	83.15, 89.15 and 104.3
15	<ul style="list-style-type: none"> <li>That a connection be added to Permitted Activities so it clearly says that an activity is permitted subject to compliance with the permitted activity conditions.</li> </ul>	Cuttriss Consultants	85.25
16	<ul style="list-style-type: none"> <li>That the fencing rules allow construction of trellising on top of a 1.8m fence up to 2.5m.</li> </ul>	John Pfahlert	5.3
17	<ul style="list-style-type: none"> <li>The activity of demolition and relocation of existing dwellings be included more clearly under the permitted activity rule.</li> </ul>	Kevin Collins and Kylie Mason	47.1 and 83.17
18	<ul style="list-style-type: none"> <li>A height restriction limit of flagpoles above ground level be provided.</li> </ul>	A & J Stevens	54.2
19	<ul style="list-style-type: none"> <li>Designation of existing state integrated schools in the residential zone or alternatively permitted activity status for existing state integrated schools within the residential zone.</li> </ul>	The Catholic Schools Board Ltd	56.1
20	<ul style="list-style-type: none"> <li>Consideration of a sub zone for private education or as a scheduled site in respect of Chilton St James campus. Alternatively seek that objectives, policies and criteria for new residential development and non-residential development are revised. Further, that the activity status for refurbishment of existing school buildings and existing outdoor facilities be amended to controlled activity status and the activity status for new development work be restricted discretionary.</li> </ul>	Chilton Saint James School	104.1
21	<ul style="list-style-type: none"> <li>Consideration be given to exceptions solar panels and wind power generator encroachments within recession planes, and restriction on the proliferation of large satellite dishes.</li> </ul>	Kylie Mason and Nigel Oxley & Fiona Christeller	83.10 and 117.2
22	<ul style="list-style-type: none"> <li>A minimum size for residential units be set.</li> </ul>	Petone Planning Action Group	99.6
23	<ul style="list-style-type: none"> <li>Permitted activity status for residential facility and health care services on Lot 2 DP 23283 and part Lot 1 DP 302798 being the land associated with the existing Woburn Masonic Village at Wai-</li> </ul>	The Masonic Villages Trust	124.1

	iti Crescent Lower Hutt and amendment to the maximum height of buildings and structures on the site to 13m.		
24	<ul style="list-style-type: none"> <li>Provision for and recognition of the special character of the coastal margin.</li> </ul>	Eastbourne Community Board	146.1
25	<ul style="list-style-type: none"> <li>Increase the limit on the gross floor area provision for dairies as Discretionary Activities.</li> </ul>	Nigel Oxley & Fiona Christeller	117.13
26	<ul style="list-style-type: none"> <li>Rezone Lot 1, DP 90369 from General Recreation to General Residential – Higher Density Area</li> </ul>	Timothy Power	145.1