

Proposed Private District Plan Change 35

REZONING OF LAND AT MILITARY ROAD / HATHAWAY
AVENUE / BOULCOTT STREET TO GENERAL RESIDENTIAL
ACTIVITY AREA WITH PROVISION FOR A RETIREMENT
VILLAGE

Decision

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for plan change (PC 35)
to the City of Lower Hutt District Plan by
SUMMERSET VILLAGES (LOWER HUTT) LTD
(Summerset)

**REPORT AND RECOMMENDATIONS OF COMMISSIONERS TO HUTT CITY
COUNCIL DATED 30 AUGUST 2016**

Commissioners: John Maassen (Chair), Mark St Clair, Karyn Sinclair.

Hearing: The entire week commencing 27 June 2016.

Site Visits: Each of the Commissioners visited the Site before the hearing and on the final day of the hearing.

Counsel Appearances: Mr. R Bartlett QC for Summerset.

Mr. I Gordon for Boulcott Preservation Society and Boulcott School.

Party Appearances: Summerset, Boulcott Preservation Society, Boulcott School, Hutt City Council, Greater Wellington Regional Council, Ministry of Education, Peter McGuinness, Mr. and Mrs. Saxton, Mr. and Mrs. Page, Mr. and Mrs. Undrill, Mr. and Mrs. McLauchlan, Mr. and Mrs. Jenkin, Mr. Haywood, Dr. and Mrs. Gilberd, Mr. Bain, Mr. Toomey, Mr Worthington (Boulcott Kindergarten)

Terminology

[1] The following terms are used in this report:

- (a) ODP = Operative District Plan for Hutt City.
- (b) GRAA = General Residential Activity Area in the ODP that covers the majority of residentially zoned land in Hutt City containing traditional bulk, location and scale methods for sustaining residential amenity, together with activity lists.
- (c) SRAA = Special Residential Activity Area in the ODP that covers a few areas with special residential character in Hutt City including the Military Road and Hathaway Avenue area and which has similar controls to the GRAA with some notable exceptions including a 700m² minimum site area.
- (d) Boulcott = The area generally known as the Boulcott suburb in Lower Hutt that includes both SRAA and GRAA parts.
- (e) Summerset = The applicant.
- (f) The Masterplan¹ = The plan included in the application for PC 35 as an appendix, but not proposed as a method in proposed changes to the ODP at the time the application was made.
- (g) The Amended Height Zoning Plan² = that plan submitted by Summerset several weeks before the hearing which is a more finely grained Height Zoning Plan compared with the Height Zoning Plan proposed as part of the application. The Amended Height Zoning Plan more closely resembled the height of buildings proposed in the Masterplan.
- (h) The Site = the Site the subject of the plan change.

¹ “Proposed Private Plan Change 35 – Part 3 Appendix 2” available on the Council website at the following link <http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=4004461>

² “Amended Height Zoning Plan” included in Map Bundle 6 available on the Council website at the following link [http://iportal.huttcity.govt.nz/Record/ReadOnly?Query=container:\[uri:4140736\]&Tab=31&Uri=4140742&Page=0](http://iportal.huttcity.govt.nz/Record/ReadOnly?Query=container:[uri:4140736]&Tab=31&Uri=4140742&Page=0)

Appendices

- [2] The following appendices are **attached** to or accompany this report:
- (a) **Appendix 1** contains the Panel's recommended textual changes to the ODP.
 - (b) **Appendix 2** contains the plan change provisions that were proposed in the application by Summerset as well as the Panel's recommended textual changes.

Recommendations

- [3] We **recommend** to the Hutt City Council that:
- (a) The activity area of the Site (also shown in appendix General Residential 22) be changed from General Recreation to General Residential; and
 - (b) The Secondary River Corridor annotation on the Site be removed; and
 - (c) Provision should be made for a comprehensive development for housing for the elderly on the Site with policies, rules and discretions to manage the effects including the design, scale and form of development for housing for the elderly in accordance **Appendix 1** of this decision; and
 - (d) Include in the ODP an Appendix General Residential 22 that identifies the area of the Site; and
 - (e) Approve any consequential changes to give effect to these recommendations including minor corrections or additions; and
 - (f) The ODP will not include the Amended Height Zoning Plan or Masterplan promoted by the applicant; and
 - (g) All submissions in support of plan change 35 be allowed to the extent given in (a) – (f); and
 - (h) All submissions in opposition to plan change 35 in its entirety be disallowed to the extent given in (a) – (f); and
 - (i) All other submissions seeking specific relief in relation to plan change 35 are allowed or disallowed to the extent provided in (a) – (f).

Site context and application for plan change

The application

- [4] The plan change application is neatly summarised in the public notice published by the Hutt City Council that reads:

Summerset Villages (Lower Hutt) Ltd have made a request to the Hutt City Council for a private plan change to rezone an area of land in Boulcott from General Recreation Activity Area to General Residential Activity Area with provision for development and use of the area for a retirement village. The Site proposed to be rezoned lies to the north of properties along Boulcott Street and Hathaway Avenue and used to be part of the Boulcott's Farm Heritage Golf Course. The private plan change request proposes to rezone the area from General Recreation to General Residential with Site specific provisions for a retirement village.

[5] Appendix 1 to the application which is Appendix 2 to this report identifies the proposed changes to the ODP that Summerset originally requested.

[6] A good summary of PPC 35 request presented at the hearing was contained in Mr Aburn's primary statement of evidence:

- (a) Change the zoning of the Site, formerly part of the Boulcott's Farm Heritage Golf Course, from General Recreation Activity Area to General Residential Activity Area ("GRAA"); and
- (b) Change the GRAA provisions to include additional policies to enable 'housing for the elderly' on the Site³; and
- (c) Include a Design Guide for housing for the elderly on the site; and
- (d) Change the GRAA provisions to provide for specified aspects of the development of a retirement village as a restricted discretionary activity; and
- (e) Change the GRAA provisions to introduce a "Height Zoning Plan", to specify the height, bulk and location of the main care building and apartment buildings on the Site⁴; and
- (f) Change the General Rules for Transportation to specify car parking and loading standards for housing for the elderly.

[7] In respect of the Masterplan Mr Aburn (planner for Summerset) said:

The Masterplan does not have any statutory weight. However, it has informed revisions to the Height Zoning Plan which was part of

³ "Housing for the Elderly" is defined in the operative District Plan as follows "a building or part of a building used under the Old People Homes Regulations 1987 or the regulation substitution thereof. It includes old peoples' homes, rest homes, pensioner housing developments, retirement villages and associated ancillary facilities such as medical, recreational and other community facilities which offer an exclusive service to the residents of the Home for the Elderly". Per District Plan – City of Lower Hutt updated 01 December 2011, page 3/6.

⁴ Note the use of the word "specify" here which identifies the true purpose of the Height Zoning Plan

the Request.

[8] What Mr Aburn meant is that the Masterplan was not referred to in any changes to the ODP provisions in the plan change application although it was in the application and it was used to derive the Height Zoning Plan which was a method used in the plan change provisions. Mr Munro, the urban design expert for Summerset proposed reference to that Masterplan as an assessment criteria along with the Amended Height Zoning plan in his primary statement of evidence. However by the end of the hearing he had abandoned that position.

[9] Summerset advised at page 14 of its plan change request that:

... it intends to follow up this DPC application with an application for resource consent for a specific retirement proposal for the Site
...

[10] At 6.7 and 6.8 of his evidence Mr Aburn stated:

6.7 At the time of lodging the Request it was anticipated that a resource consent application would be lodged so that it could be heard by the same Hearing Panel appointed to hear the Request. However, following further discussions with Hutt City Council officers it was decided to firstly pursue the Request and, following the release of the Council's decision on the Request, to lodge the resource consent application.

6.8 I can advise that the current intentions to prepare a resource consent application for lodging with the Council in the later part of this year (October/November), with the Request that the Hutt City Council agrees, pursuant to s 87E of the Act, to the application being referred directly to the Environment Court for determination. If the Council agrees to direct referral to the Environment Court, the process will recommence with the public notification of the application.

[11] An application for plan change and an application for resource consent in convoy or a pure plan change application without reference to the Masterplan and Height Zoning Plan would have overcome a number of the problems that arose in this hearing including:

- (a) Uncertain relationships between the plan change request and the nascent aspirations of Summerset as expressed in the Amended Height Zoning Plan and the Masterplan; and
- (b) The information provided being sufficient for plan change purposes but not sufficient for the purposes of any specific development proposal and being

insufficient to support the Amended Height Zoning Plan or the Masterplan.

- (c) Submitters addressing the Masterplan and Height Zoning Plan on the basis these aspects of the plan change was a Trojan horse for that development. With the consequence that issues of resource consenting and the plan change became unhelpfully conflated in much of the evidence.

[12] We have assessed the application on the basis that it is a plan change only and we have reached conclusions only to the extent that the information provided is sufficient to enable us to reach reliable conclusions on the likely effects of implementation. We propose mechanisms to manage risks through the plan change provisions to an appropriate extent based on the information provided having satisfied ourselves the risks are manageable.

The Site

[13] The Site is an irregularly shaped area of 2.871 hectares. It is accessed at its extremities by Military Road at the east and Boulcott Street to the west. It is located south of the new flood bank created by the Greater Wellington Regional Council (“GWRC”). The new flood bank was constructed by GWRC between 2010 to 2012⁵.

[14] The Site can be divided into two main parts. These parts are joined by a slither of land immediately adjacent to the boundary of the property at 22A Hathaway Avenue, as shown in the plans in the Map Bundle provided as part of the applicant’s evidence and available on Council’s website.

[15] The eastern portion of the Site comprises an area that is currently occupied by the main buildings of the Lower Hutt Golf Club. It encompasses substantial clubhouse buildings that are elevated and some ancillary buildings. On the southern boundary is the rear of numbers 2-22A Hathaway Avenue. Numbers 10-14, Hathaway Avenue, are in the ownership of Summerset. Numbers 2-8 Hathaway Avenue look out to the golf club car park and in further distance the golf course and Belmont Hills. Number 16 Hathaway Avenue looks out to the ancillary building to the golf club and has a heavily vegetated rear boundary. Number 18, 20 and 22 Hathaway Avenue have pleasant views out to the Belmont Hills between Tirohanga and Kelson. An access way is proposed from Military Road and this forms part of the overall arrangement for the sale and purchase of land between Summerset and the Lower Hutt Golf Club.

[16] The western and major portion of the Site has access from Boulcott Street. Its northern boundary is adjacent to the new flood bank and the Lower Hutt Golf Course. There are two main boundaries to the existing urban fabric. The first boundary runs in a north east / south west direction adjacent to the properties on Hathaway Avenue numbers 24A-32. The boundary is approximately 335 metres⁶.

⁵ Supplementary Statement Dennis Page at [1.4].

⁶ See Drawing Number S14-0618-ZPI, attachment 1 produced by Spencer Homes for Summerset.

This boundary is punctuated by a small finger of land joining the Site to Hathaway Avenue and is also owned by Summerset.

- [17] The southern boundary for much of its length is adjacent to the rear playground of Boulcott School. It then continues to join numbers 1-7 Boulcott Street which are zoned part of the General Residential Activity Area.
- [18] All of the properties on Hathaway Avenue that contain the western and eastern portions of the Site are zoned SRAA. They tend to be larger lots with substantial residential homes. In some cases the outdoor areas of these homes take advantage of the sun's passage from east to west through north. Dwellings are a mixture of single and two story dwellings.
- [19] In the western portion of the Site adjacent to numbers 1-7 Boulcott Street and Boulcott School there is an older stopbank which is elevated at the boundary.
- [20] The Site is generally flat but hummocky and low lying. This probably reflects its geophysical context being at the edge of a slightly lower river terrace with an alluvial substrate.

How the Site became available for residential activity

- [21] The Site was described by Summerset and others as a “windfall” urban development opportunity made possible by the preferred alignment for the new flood protection works undertaken by GWRC in 2010-2012 as part of the implementation of the Hutt River Floodplain Management Plan (“**HRFMP**”). That HRFMP was completed in 2002.
- [22] The purpose of the flood protection works undertaken by GWRC and the consultation undertaken are set out in the Notice of Requirement documentation dated March 2010. We received that information as Document 17⁷.
- [23] The Executive Summary of the NOR summarises the purpose of the public work which the NOR would enable as follows:

The purpose of the proposed works was to provide Hutt City and the surrounding land with flood protection to with “risk based” 2,300 cumec standard (1 in 440 year return period flood event) as detailed in the Hutt River Floodplain Management Plan (HRFMP). The HRFMP describes the Hutt River design standard in more detail and explains the different standards for new and upgraded stopbanks along the Hutt River.

⁷ Document 17 - Boulcott Stopbank - NoR, Resource Consent Application and Assessment of Environmental Effects – GWRC, <http://portal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=4188819>

The public works included the following:

- (a) Extent the existing stop bank between Fairway Drive and Boulcott Street by constructing the further 1,100 metres of stop bank through the Hutt and Boulcott golf courses including golf course landscaping and any other necessary for the construction of the stop bank and reinstatement of the golf course features disrupted by construction works;
- (b) Upgrading the existing stop bank between Safeway Storage and Boulcott Street and the associated work;
- (c) Constructing a small bund on the Hutt Golf Course along the boundary of the Course and Harcourt Werry Drive;
- (d) Removal of the Boulcott club rooms and greenkeepers shed.

[24] The NOR documentation shows that there was extensive consultation with the community between 2006 and 2010. Key stakeholders included the Boulcott Golf Club and the Lower Hutt Golf Club. Late in the piece the Boulcott Golf Club agreed to merge with the Lower Hutt Golf Club with the consequence that the design and alignment accommodated a single golf course rather than two. The larger western portion of the Site represents parts of the old fairway of the Boulcott Golf Club. The eastern part of the Site represents part of the Lower Hutt Golf Club where the clubrooms still stand.

[25] It appears that GWRC attempted to address a range of needs as part of its options selection. This included addressing the desire of residents on Hathaway Avenue not to have an enlarged flood bank on their boundaries⁸. The options selection process was greatly simplified by the decision of the Boulcott Golf Club to merge with the Lower Hutt Golf Club. The consideration of alternatives was extensive and is required as part of the NOR process.

[26] The design of the flood bank and landscaping took into account the need to maintain a golf friendly environment that appropriately responded to the intended redesign of the Lower Hutt Golf Course.

[27] The final flood protection design once implemented considerably improved hazard protection for Boulcott and Hutt City. The consequence though, was that the Lower Hutt Golf Club had available to sell the Site, which was no longer usable for golf purposes.

[28] Residents in Boulcott Street and Hathaway Avenue during the latter periods of consultation raised questions about what the land on the landward side of the

⁸ Several options involve flood banks against the boundaries of some Hathaway Avenue properties.

proposed flood bank (the Site) would be used for. The NOR documentation indicates the residents were told that that Site may be rezoned and was likely to be used for residential purposes

The neighbourhood context

The SRAA

[29] The residential zones in the ODP are called ‘activity areas’ in the ODP. Part of the Boulcott suburb is known as the Military Road/Hathaway Road Area, and is identified in the ODP as a Special Residential Activity Area (SRAA).

[30] In 1997 Council report⁹, described the SRAA method in the following way:

The Special Residential Activity Area recognizes those parts of the City characterized by residential dwellings, low densities, mature vegetation and a high standard of development.

[31] The special residential amenity of the Military Road/Hathaway Road Area was recognized as early as 1971 in district planning instruments¹⁰. The community consultation processes that led to the recognition and planning instruments of the special character of the Military Road/Hathaway Road Area have been longstanding and extensive. This has created a reasonable expectation that those amenities and qualities will be sustained.

[32] The ODP provisions designed to protect the amenity of the SRAA are not extensive. The main controls are a 700m² minimum net Site area, and a maximum Site coverage of 30%. Side yard and other bulk and location controls are more or less the same for the General Residential Activity Area (GRAA), which is the principal residential zone in Hutt City. The table below shows the key standards for the two zones, as well as for the GRAA which has a medium density overlay.

⁹ Document 13, Background Report – Special Residential Activity Area, Hutt City Council, 29 May 1997.

¹⁰ *Ibid* at [2.3.27].

Activity Area	Net Site Area	Site Coverage	Height	Yard	Recession Plane
SRAA	700m ²	30%	8m	Front yard 3m Side/rear yard 1m	45°/2.5
GRAA	400m ²	35%	8m	Front yard 3m Side/rear yard 1m	45°/2.5
GRAA/Medium Density	300m ²	40%	8m	Front yard 3m. Side/rear yard 1m	45°/2.5

- [33] A number of residents spoke of their experience of the area and the important amenities and important qualities of the area within the SRAA that make an attractive place to live and to raise families. Mr McLauchlan did a comprehensive presentation that was notable for thoughtfulness using his extensive local knowledge.
- [34] Our consideration of the evidence and our assessment following Site visits leads us to conclude that the Military Road/Hathaway Avenue Area does indeed have special residential amenity associated with the quality of development, low density and presence of mature vegetation. These qualities are in large measure experienced and enjoyed from within the SRAA. In other words, these qualities are experienced most strongly as one travels through the main corridors of Military Road and Hathaway Avenue. Distinctive residential qualities are not especially evident at the interface with the existing golf course, or indeed at the interface with the GRAA. Parts of the SRAA adjoin the GRAA where it has a medium density overlay.
- [35] The ODP seeks to control development within the SRAA to preserve the identified residential amenity features. The objectives, policies or rules of the ODP do not seek to project beyond the boundary of the SRAA controls on adjoining land, to preserve the amenity of the SRAA.
- [36] The boundary between the SRAA and the existing golf course is an important interface for us to consider when addressing the plan change. As already noted, it extends for 335m. Some of the properties are owned by the applicant¹¹. The relationship of residential properties to the existing golf course and its open space is

¹¹ For example, 10-14 Hathaway Avenue.

not uniform. Some take advantage of the north western or northern orientation for solar access. Good examples are 24A and 26 Hathaway Avenue. Others sit behind large fences with no elevation. Others are behind existing elevated structures such as the golf club house or changing rooms. Examples are 14-16 Hathaway Avenue. Mr and Mrs Saxton have mature vegetation on their boundary at 32 Hathaway Avenue. Much of this vegetation is on the golf course side of the boundary and is part of the margin of historical fairways. Mr and Mrs Saxton were concerned in particular with the potential loss of privacy that may result from removal of this vegetation when the Site is developed. A number of other properties enjoy views to Tirohanga. During our visit to Mr and Mrs Undrill's property at 18 Hathaway Avenue, we noted a number of view shafts that they enjoyed from living areas to Tirohanga and other features of the Belmont Hills.

[37] We did not have access to all of the properties on Hathaway Avenue that had a boundary with the existing golf course. In addition, a number of residents on this boundary either did not file a submission, or did not provide evidence. On the evidence available, and as a result of our two Site visits, we consider that existing open space of the golf course and the views afforded to the ranges are not aspects that are important to a number of houses and/or do not presently provide a high level of amenity to a number of properties on this interface. There is likely to be a range of reasons for this and some that seem likely include:

- (a) The prevailing north-westerly wind;
- (b) Residents desire for privacy from golf course use;
- (c) Vegetation patterns on the golf course, on the fringes of fairways; and
- (d) Screen planting to reduce the visual impact of aged buildings belonging to the golf club.

[38] Undoubtedly, there are a number of properties with important view shafts to the ranges, and recognizing and providing for these in the arrangement and design of future buildings on the Site may be an appropriate part of the overall urban design response to the existing neighbouring context.

Boulcott School

[39] Boulcott School has frontage to Boulcott Street. This is the principal access to the School. The School is a primary school. Its current roll is approximately 322 pupils. The School has a large number of students from outside the neighbourhood. Parents work in the City and deliver and collect their students as part of their working routine. The northern part of the school site contains open space and playgrounds. Despite the old flood bank and some substantial trees on the boundary, Boulcott School enjoys extensive views to the north, across the golf course and to the ranges. This open space and the presence of long views provides a rural experience, more

typical of a rural school. This is one of the qualities that is identified as being attractive for some families.

- [40] Adjacent to the Boulcott School is the Boulcott Kindergarten that has a roll of 80 children. The northern boundary of the Kindergarten is approximately 60m from the boundary of the Site.
- [41] Mr Mercer, the Boulcott School Principal, identified a number of areas of concern with the plan change and the potential development it may engender. These concerns included:
- (a) The possibility of reduced traffic safety and efficiency, particularly during peak periods because of constrained public parking near the school; and
 - (b) Adverse effects on children's learning as a result of construction, including construction noise over an extended period; and
 - (c) An inappropriate scale of development on the boundary.
- [42] The Boulcott School Board of Trustees recognized that some form of development on the Site was inevitable. What the Boulcott School Board of Trustees sought was that any development respect in its final form, and in its construction, the longstanding character and function of Boulcott School and the interests of students.
- [43] Mr Worthington for the Hutt City Kindergartens Association expressed similar concerns to those expressed by Mr Mercer.

The GRAA

- [44] The GRAA zoned land adjacent to the Site comprises the houses on Boulcott Street with frontage to the golf course. The housing is of mixed quality and age. A number of the properties enjoy views across the golf course and beyond to the Belmont Hills. Some of these are located close to the 'neck' which is the access point to the Site. Under the most credible options for development, those properties adjoining this neck would not lose views they presently enjoy. Even under the Masterplan which proposed a very intensive form of development, that was the case.
- [45] It is unclear how much of the old stop bank would be removed on development. Some parts of the existing residential properties are adjacent to, and at a similar level to, the base of the old stop bank. It is conceivable that the residential amenity for these properties can be in part enhanced by the removal of the stop bank. This is because it would reduce the strong sense of enclosure created by that structure.

Major issues in contention

- [46] Because of the directions made prior to the hearing and the co-operative engagement

of experts, the issues to be resolved at the hearing narrowed considerably shortly before and during the hearing. This was assisted by the recognition by most experts during conferencing after evidence exchange that this was a plan change application not an application to construct housing for the elderly, let alone one based on the Masterplan.

[47] As a result of questioning and information obtained at the hearing, the planners presented a second combined conferencing statement.

[48] During the last day of the hearing there was hot tubbing between the planners and urban designers that was very useful.

[49] So, from the point of view of experts, the main matters of professional disagreement between narrowed down to two key issues.

[50] The two key issues were:

(a) To what extent should there be recognition of the opportunity for greater height than the permitted 8m in the GRAA reflected in policy recognizing that there was insufficient information to use the methods such as the Amended Height Zoning Plan, or to refer to the Masterplan? and

(b) What additional methods, including setbacks, building width and building separation controls were required to manage the potential adverse effects from the interface between the SRAA and Boulcott School arising from a comprehensive development of housing for the elderly?

[51] We do note that what the experts provided at the end of the hearing did not necessarily reflect the positions of Boulcott School or the Boulcott Preservation Society. The experts provided their expert opinion having promised us that they were performing their role in accordance with the expert code published by the Environment Court in its Practice Note. They did so fairly and dispassionately.

[52] We also address the wider objections raised by parties and the non- expert evidence in this decision. However, it is important to identify the fundamental areas of disagreement between experts and we will return to these areas of disagreement in our analysis in this report.

Methodology for assessment

[53] The methodology for assessment of a private plan change, in our opinion, is not materially different from that of any other policy instrument whether by way of change or variation promoted by a local authority. It makes no sense for there to be different standards to achieve sustainable management depending on who promotes the change.

- [54] Most private plan changes involve site specific changes to the planning regime as seldom do private organizations have the courage or resources to make broader changes to planning instruments. This type of localized planning change is a classical and anticipated use of the technique of a private plan change. Before the RMA changes to plans were the sole privilege of local authorities. Under the RMA with its liberalizing features, the opportunity was provided to private individuals to promote a plan change. It was well recognized at that time that resources such as land may not be used optimally where local authorities lacked the appetite or resources to make change.
- [55] The criticism was made by some that the proposed Site specific provision for housing for the elderly in PC 35 amounted to spot zoning. This was intended to be a critique from a planning point of view. Mr Bailey, the planner for the Boulcott Preservation Society mentioned this.
- [56] Summerset doesn't seek a spot zone as it is proposing the GRAA for the Site which is an established method in the Plan. What Summerset is proposing is a scheduled Site with a specific opportunity for a type of development called 'housing for the elderly'. Scheduling of sites for these opportunities is, as was pointed out by Summerset, already an established approach in the Plan. The Council had recently approved PC 37 that scheduled a site in Wainuiomata for housing for the elderly.
- [57] No planner suggested at the end of the hearing that scheduling was an inappropriate method. Even if it was a spot zone proposal, we consider that to be appropriate if a specific opportunity for use presented itself in a location as a result of changes in circumstances that did not exist at the time the Plan was proposed. This is the case here. In that regard, we refer to the decision of the Board of Enquiry in the *New Zealand King Salmon* at [1171] – [1175] and *Mullen v Auckland City Council*¹².
- [58] The relevant statutory provisions we must assess the application against include RMA, ss32 and 72-76. There are numerous authorities that illustrate the path to be travelled in that assessment all of which are very useful, but in the end we must return and have returned to the statutory language expressing these matters¹³.
- [59] A number of disciplines assessed effects against the scale and intensity of development shown in the Masterplan. Transportation and wind experts are good examples. We do not support recognition of the Masterplan or the Amended Height Zoning Plan in the ODP for a variety of reasons however the assessments of experts remain useful to assess potential risks because the scale of development in the Masterplan is very intense and can therefore be useful as a worst case scenario from a risk assessment perspective.

¹² EnvC A129/2004 at [19].

¹³ See for example, *Monk v Queenstown Lakes District Council* [2013] NZEnvC 156, *High Country Rosehips Orchards Ltd v McKenzie District Council* [2011] NZEnvC 387 and *Long Bay-Okura Great Part Society Incorporated v North Shore City Council* Decision No. A 078/2008.

Likely effects of implementation of the plan change other than urban design

Overview

- [60] There are two types of risk in the RMA context, although often the focus is only on adverse effects. Not achieving sustainability arises from the failure to optimize appropriate resource use by not sufficiently enabling the use of resources to provide for the social, economic and cultural well-being of the community, and from not managing resources to appropriately avoid, remedy or mitigate adverse effects.
- [61] The Panel's approach in relation to adverse effects is to identify each of the category of effects that the witnesses identified in their evidence and consider three questions:
- (a) Do these likely effects create a risk such that either the Site is unsuitable for any residential development or materially unsuitable such that significant controls must be in place for either residential activity or housing for the elderly?
 - (b) If the answer to (a) is no, then are the effects such that they should be assessed and addressed at the consent stage? and
 - (c) If the answer to (b) is yes, then is the matter of discretion and assessment criteria sufficiently broad to address those effects?
- [62] The categories of effects are listed below and so is our analysis of each of these three questions for each of these effect categories.
- [63] Some effects such as social and economic do not entirely fit within the analysis in [61] (a) – (c), because there are also positive effects and 'enablement' opportunities to be considered in the assessment task. We identify these positive effects and opportunities where they exist.

Stormwater, engineering and infrastructure

- [64] A comprehensive engineering and reticulated services effects assessment (including further information) (Aurecon 2014) was provided at Appendix 7 to the plan change request. This report noted that runoff from the golf course has historically been self-draining by overland flow, ponding and soakage (prior to the stopbank construction). These circumstances were altered with the construction of the stopbank which was completed in 2012. The Aurecon report identified the existing stormwater drainage system, including the stopbank, existing piped network including sumps and outlets. Summerset proposes to install a piped network throughout the Site, capable of containing the 10 year ARI. Above the 10 ARI event, stormwater would be directed to the proposed pump station located adjacent to the outlet via an overflow weir. The Aurecon report also addressed earthworks, roading, wastewater, water supply, electricity and communications services.

- [65] Submissions relating to storm water, engineering and infrastructure issues, including hazards, were summarised in the Officers report, from [170] to [186.] The preliminary conclusion based on technical advice from GHD were that matters raised in submissions can be adequately managed, and that the plan provisions should address matters for discretion relating to infrastructure capacity and capability, including capacity of the pump station, provision of overland and secondary flow paths, and natural hazards.
- [66] The outstanding issue of consequence to be considered by the Panel was what level of servicing was necessary for the piped network, with Mr Christensen (witness for Boulcott Preservation Society) seeking a more conservative approach than was assessed and provided for in the evidence of Mr Flannery. Mr Christensen's view was that the 1% AEP flow was the appropriate design for the stormwater system. Mr Flannery acknowledged in his rebuttal evidence the coincidence of a 15 minute 1% AEP, no gravity drainage, a power cut and available storage being full would result in overland flow occurring in Boulcott Street, to a level he estimated to be 100 – 150mm.
- [67] In answer the questions posed in [61] above, the Panel finds:
- (a) The evidence demonstrates that from an engineering and servicing perspective the Site is suitable for residential development including provision for housing for the elderly as a restricted discretionary activity.
 - (b) Mr Christensen for the BPS raised issues as to appropriate size of piped services and the appropriate freeboard, but these are matters that can reasonably be considered and typically are addressed through a resource consent process.
 - (c) The proposed plan change provisions (close of hearing version¹⁴) are appropriate matters for inclusion in the ODP and will adequately assess engineering matters at the resource consent stage.
 - (d) The proposed plan change provisions (close of hearing version) identify a number of provisions that must be considered at resource consent stage as a restricted discretionary activity. The provisions are not universally supported by all planners but with respect to the criteria for infrastructure provision the only material issue outstanding was the request from GWRC seeking an additional criterion:

The design and implementation of methods for managing storm water in accordance with good management practice,

¹⁴ “Proposed plan change annotated by planners 8 July 2016” available on the Council website at the following link:

<http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=4161141>

for its impacts on water quality, including the management of storm water from car parking.

The Panel does not consider it necessary to include the requested criterion as water quality is a regional council function under section 30 of the RMA and not matter that should be addressed within the District Plan.

Catastrophic failure of the flood bank

- [68] One of the potential effects of the change of zoning and proposed land use is effects on the structural integrity of the new stop bank. The private plan change provisions as notified identified the potential risks, and in consultation with GWRC, Summerset had revised its original proposal for the development to remove basements from the four proposed apartment buildings. The Engineering and Reticulated Services Effects Assessment (including further information) (Aurecon 2014) provided at Appendix 7 to the PPC included an “Excavation Management Plan” which indicated the procedures for excavation for the installation of the stormwater pump station within 10 metres of the toe of the stop bank.
- [69] GWRC submitted that there was a lack of information regarding the effects on the stop bank, and it is noted that issues highlighted relate to the subsequent development of the Site in the event that the land is rezoned with development potential. Two submitters raised issues in relation the potential effects of such large buildings being constructed so close to the stop bank.
- [70] Expert conferencing of the engineers confirmed that the structural integrity of the stop bank would be an issue that could be appropriately managed through a criterion within the suite of matters to be addressed. The expert conferencing minute (24 May 2016) noted that the GWRC wished to be notified of any resource consent proposal. The Panel considers that it is appropriate to address notification as a separate issue to the consideration of the effects on the stop bank.
- [71] Mr Christensen was not a signatory to that part of the expert conferencing statement with respect to the integrity of the stop bank. In his evidence he addressed other jurisdictions where there are substantial setbacks for developments from stopbanks. Excerpts from the Christchurch City District Plan were appended to his evidence illustrating the non-complying activities within 100m of the Waimakariri primary flood defence. He helpfully provided a brief explanation at the hearing as to the process of failure.
- [72] Ms Westlake, in evidence on behalf of GWRC recommended minor amendments to the draft criterion recommended in the Officer’s report which have been adopted in the proposed plan change provisions (close of hearing version). Ms Westlake indicated her support for the criterion addressing the “residual flood risk above a 1 in 100 year flood or stopbank breach or failure” that was included and agreed by all

planners in the proposed plan change provisions (close of hearing version). Ms Westlake confirmed that the recently constructed stop bank was designed to accommodate (approximately) a 1 in 440 year return period event (based on MFE guidelines).

[73] In answer to the questions posed in [61] above, the Panel finds that the two key effects that may result from the change of zoning are the potential effect on the integrity of the stopbank and the safety effects of any development close to the stopbank and on these the Panel finds:

(a) With respect to the integrity of the stopbank, with appropriate management of design and construction effects the rezoning of the Site including provision for housing for the elderly as a restricted discretionary activity is appropriate. Indeed the witnesses generally agree that matters regarding maintaining integrity of the stopbank can be appropriately addressed at the resource consent stage. The Panel concludes that the matters as addressed in the proposed plan change provisions (close of hearing version) are sufficient to ensure the potential effects of development of a retirement village on the integrity of the stopbank can be adequately addressed in a resource consent process.

(b) With respect to the proximity of development to the stopbank in the event of a failure, Mr Christensen stated in his evidence:

“it is acknowledged that a non-complying status isn’t prohibiting these activities (*being new residential buildings within 100m of the stopbank as provided in the Christchurch City District Plan*) but it is certainly putting the onus of proof on Applicants to demonstrate that flood hazard is being managed to an acceptable degree”. [para 35].

The Panel conclude that the evidential burden regarding flood hazard is no different if the activity is non-complying or restricted discretionary. If the matter is required to be addressed as a matter over which discretion is retained, then the effect is to be assessed. Additionally, Mr Flannery addressed likely lead times for any possible significant flood events and indicated that relatively long lead in times and the proposed Emergency Management Plan that Summerset propose will be sufficient to ensure that the effects of stop bank overtopping or failure can be adequately mitigated. The Panel agree with this, and conclude that, with a minor amendment to the “Hazards” matter of discretion to include special provision to consider Emergency Management Planning, the plan change as proposed in the close of hearing version is appropriate.

Transportation

[74] A traffic and transport assessment was submitted with the plan change request. The

assessment was based on the vision statement and Masterplan which gives an indicative development scenario of 36 villas, 96 independent apartments, 43 care apartments, 49 care rooms and associated administrative services, and resultant employees. The Masterplan showed a likely internal road layout, and indicated that vehicle access would be limited to Boulcott Street and Military Road, with no vehicle access off Hathaway Street. The broader traffic environment was described and is relatively complex, with the presence of the hospital on High Street opposite Boulcott Street, the Boulcott School and kindergarten with these land uses generating on street parking demand and peak traffic flows in and out of Boulcott Street and quite narrow road reserves. The traffic environment is yet to benefit from the relocation of the Golf Club house which will relieve traffic and on street parking from Hathaway Street.

- [75] There were a number of submissions against the proposed plan change on the basis of traffic effects – both generally and specifically in relation to Boulcott School, with submitters noting that the existing congestion would become worse. Additionally, submitters raised issues relating to construction activities that would generate traffic effects, from importation of equipment, materials and fill and the traffic generated by construction workers.
- [76] The expert conferencing statement confirmed that all traffic experts (Summerset, Hutt City and Boulcott Preservation Society) agreed that traffic signals at the intersection of High Street and Boulcott Street are necessary now given that the level of service is below acceptable levels. The statement went on to say that with the installation of the signals, the potential traffic generated by the Summerset proposal could be accommodated. With respect to construction traffic the expert conferencing statement agreed that access across the golf course was preferred and that a Construction Traffic Management Plan would be necessary, with the only disagreement being when that should be provided, with Mr Wanty considering it appropriate at the plan change stage.
- [77] The planners' expert conferencing statement agreed that it was appropriate to include a criterion relating to construction and traffic management plans in the matters for discretion.
- [78] Mr Georgeson in his rebuttal evidence [para 6] confirms his original opinion that the traffic generated by a retirement village would not be dissimilar to that generated by general residential activity, albeit that general residential activities would have more discernible peaks
- [79] The proposed plan change provisions (close of hearing version) identify two key matters to be addressed as a restricted discretionary activity, being traffic and parking effects. These are indicated as have the agreement of the relevant planners.
- [80] In answer to the questions posed in [61] above, the Panel finds the following.

- (a) The proposed plan change including provision for housing for the elderly as a restricted discretionary activity has the potential to enable development that may give rise to adverse traffic and transport effects. However there is no evidence to suggest that these effects could not be adequately managed through the resource consent process.
- (b) The provisions as recommended in the proposed plan change provisions (close of hearing version) are adequate to address the potential effects that may arise from the development of the Site as proposed by Summerset. The outstanding effect that may result from the development is the potential effects at the intersection of Boulcott and High Streets if traffic signals have not been installed by the time resource consent is sought. The Panel find that with modifications to the plan change as agreed by the planners, to address that intersection specifically in the event there are no traffic signals to rely on, the effects of development on the Site can be adequately managed at the resource consent stage.

Wind

- [81] The proposed plan change included a wind assessment report (Appendix 11) which was predicated on the Masterplan configuration. It concluded that there would be positive benefits during northerly winds through sheltering adjacent residential properties, through massing the higher buildings to the west of the Site and through the positioning of the lower rise buildings adjacent to existing residential development. The effects of the Masterplan configuration would be minimal on any party during a southerly. The report also noted that the conclusions would apply to other layout options with the heights of the Masterplan were maintained
- [82] A number of submitters raised issues about the multi-level buildings affecting wind flow for neighbouring properties including the school whose playground is immediately adjacent to the Site.
- [83] The wind expert conferencing Statement generally concluded that the effects would be beneficial, and that the (non-specific) submissions relating to potential wind effects would be largely unfounded if the Site were developed in accordance with the Masterplan.
- [84] The proposed plan change provisions (close of hearing version) provide for consideration of amenity including the “management of on-site wind effects” as a matter for discretion. This provision is agreed by all planners.
- [85] In answer the questions posed in [61] above, the Panel finds:
 - (a) Any development enabled by the change of zoning to residential including provision for housing for the elderly as a restricted discretionary activity would result in wind effects that can be adequately managed.

- (b) The assessment provided by both wind experts confirmed that with a massing that reflected the Masterplan the effects would be beneficial or neutral (depending on the direction of the wind). The experts agreed that the consideration of the landscaping around the Site could contribute meaningfully to assist in further buffering wind from the north. This provision is not provided for in the proposed plan change provisions (close of hearing version).
- (c) The Panel considers that there is merit in ensuring that the landscape plan to be provided as part of any subsequent resource consent application consider screening and planting with the view to ensuring adverse wind effects do not inadvertently result.

Social

- [86] The social impact assessment report prepared by Dialogue (January 2016) provided in support of PPC35 assessed the potential social effects of the proposed plan change and concluded:

...that the proposed Plan Change can be supported on social grounds in terms of lifestyle, community, amenity/quality of life; and health impacts...'

- [87] Submissions raised issues of the potential effect on the change of land use (and the potential resultant retirement village) on the school and kindergarten rolls, on social and health impacts, the inappropriateness of high rise apartments for retirement including the isolation socially and in the event of earthquakes.
- [88] Expert conferencing between specialists was documented at Appendix 13 of the s 42A report. The experts agreed that there were potential effects that would result from the development of the land including noise and traffic. Ms Linzey and Dr Phillips agreed that these could reasonably be addressed at the resource consent stage. Ms Linzey and Dr Phillips agreed that the likely effect of PPC35 would be positive.
- [89] Submitters spoke in support of their submissions including Catherine Gilbert who was concerned about the effect of the “dramatic change” to the community’s demographic and was concerned about the social and physiological effects on the elderly that she perceived arise from such facilities as proposed by Summerset.
- [90] Dr Phillips noted in his evidence to the Panel that *“The main changes for the area will be induced by conversion of the open space to urban uses not per se the establishment of a retirement village and such changes in themselves are not an adverse effect.”*

This conversion to residential usage is appropriate given the shortage of greenfield sites on the valley floor, the availability of services, and the fact that the City Council has not moved to purchase the property to retain it in open space” (para 57).

[91] There was no other expert evidence provided to the Panel. We note that Boulcott School and the Ministry of Education chose to address amenity effects through planning witnesses rather than from a “social impact” perspective and thus are addressed in other parts of this report.

[92] Ms Sweetman in the s42A report agreed with the experts in that the construction effects and any traffic effects generated by a retirement village could be adequately addressed through the resource consent process.

[93] In answer to the questions posed in [61] above, the Panel finds:

(a) The evidence demonstrates that any development enabled by the change of zoning to residential including provision for housing for the elderly as a restricted discretionary activity could result in some minor adverse social effects to the existing Boulcott neighbourhood and they will be manageable.

(b) The potential adverse social effects that may arise can be adequately managed through the existing GRAA provisions, and as proposed through the proposed plan change provisions (close of hearing version).

[94] The Panel acknowledges the positive effects of provision for housing for the elderly (and the expansion of this cohort as a percentage of the Lower Hutt population) and the beneficial effects of making sufficient provision so that the elderly of Lower Hutt may remain within their chosen community. The Panel also acknowledge the usefulness to this part of the population of areas of visual interest and greenery including views across the golf course that development on the site can provide.

Noise

[95] The PC 35 application was supported by a noise and vibration assessment prepared by Marshall Day. That report concluded that any operational noise generated by land uses enabled by the plan change would be unlikely to detract from the residential amenity of the area. This report also concluded that with conventional noise control measures, residential housing or a retirement village can readily comply with the noise limits of the GRAA zone.

[96] Submissions raised issues of noise from increased traffic (especially for 1, 3 and 7 Boulcott Street), from construction activities including on the school, and on amenity values.

[97] The expert conferencing statement was included in the s42A report, and did not

result in any residual matters to resolve. It concluded that the noise standards of the GRAA would adequately protect the acoustic amenity of the existing residential area, and that noise matters relating to activities enabled by the plan change could be controlled through resource consent conditions.

[98] Mr Wood provided expert evidence to the Panel on acoustic issues. No other expert evidence was produced.

[99] Having regard to the assessments undertaken by Summerset and the Council, and in answering the questions posed in [61] above, the Panel finds:

(a) PC 35 will result in a change to the acoustic environment through the GRAA, where currently any activities undertaken within the current General Recreation zone are benign, with very little noise generated.

(b) Any potential adverse noise effects relating to change of land use and construction activities can be adequately assessed and addressed at the resource consent stage. The provisions as agreed by the planners in the proposed plan change provisions (close of hearing version) are considered by the Panel to adequately address the issues of noise should resource consent for the retirement village result.

Shading

[100] Shading effects were assessed through the PC 35 proposal based on the Masterplan developed by Summerset. The assessment acknowledges that the change of zone may result in adverse shading effects generated by housing (as a permitted activity under the GRAA) or through the retirement village proposal. The GRAA has provisions for recession planes to manage potential effects of development on adjacent residential properties. The assessment undertaken for Summerset by Spencer Holmes concluded the setback of the higher rise buildings from the existing GRAA and SRAA zone boundaries largely mitigated potential shading effects. It concluded that the effects on No2 -33 Hathaway Ave that will occur are “consistent with what could be expected from a residential style of development in this area” and that the same could be said for 24 – 36 Hathaway Ave.

[101] A significant number of submissions were received expressing concern about the adverse effects of shading, including within the school Site and across the school field, and during the winter months. These effects were distinguished from those relating to scale and dominance which are discussed elsewhere in this recommendation report.

[102] Expert conferencing was held between urban designers for Summerset, Hutt City and the Boulcott Preservation Society and for the purposes of discussing shading Mr Moody was in attendance. The experts agreed that the issue of shading could be considered at the resource consent stage.

- [103] The shading diagrams were subsequently redone to more closely reflect the Amended Height Zoning Plan, and provided to the Panel in the evidence of Mr Moody for Summerset. Those shading diagrams compared the existing environment (including existing vegetation) with a potential residential development under the GRAA Residential Zone and that of Summerset. These shading diagrams illustrated effects for a spring, summer, winter and autumn day across the day.
- [104] Mr Moody provided rebuttal evidence for Summerset, drawing the Panel's attention to his additional shading diagrams. He considered the effect of existing vegetation to be an important element in his overall assessment (para 10) given the "size of the trees involved".
- [105] Mr Bailey's (planner for Boulcott Preservation Society) evidence provided a shading analysis undertaken under his instruction providing a comparison of the Masterplan, and then of a proposal for a maximum height and minimum setback proposed by the Society. Without the consideration of the existing environment (notably vegetation) or what might be anticipated from the residential development enabled by the GRAA itself they were less informative than those provided by Mr Moody. We note this in light of the expert conferencing statement that agreed that the Site was suitable for residential development.
- [106] Given the expert agreement as to the suitability of the Site for residential purposes, the issues relating to the effects of shading would fall to be suitably addressed at the resource consent stage or any development would have to meet the existing GRAA standards for height in relation to boundary setbacks. The proposed plan change provisions (close of hearing version) identified criteria that the planners agreed was appropriate for the consideration of a retirement village as a restricted discretionary activity. The Panel agrees with their assessment.

Cultural and historical

- [107] The PC35 contained a cultural impact assessment. The report identified that the location was in proximity to two Pa, and may have been the Site of the "Battle of Boulcott Farm" of 1846. The PC 35 application noted (at para 6.3) that the Site was not located within a "significant cultural resource" as identified in the District Plan, and that any subsurface archaeology will be managed under the Heritage NZ Pouhere Taonga Act 2014.
- [108] Mr M Love provided expert evidence for Summerset, confirming that despite submissions claiming otherwise, there were no outstanding issues relating to cultural values. Mr Bailey for the Boulcott Preservation Society drew our attention to the possibility of archaeology remaining in place within the vicinity and even possibly beneath the Boulcott Heritage Golf Course Club House. Mr Love noted that if there were remains on the Site (as has been alluded to by Mr Bailey), these would most

likely be European remains buried after the Battle of Boulcott Farm. There was no expert conferencing on heritage or archaeology issues.

- [109] Mr McLauchlan tabled an archaeological assessment report prepared by V Grouden for Summerset dated August 2014. This report acknowledges that some archaeology may remain on the Site, but that through the subsequent farming activity and development of the golf course, club house and stop banks it is likely to be already “compromised and modified” (Para 4.3.2).
- [110] Ms Sweetman addressed matters including the submission from Ngati Rangatahi seeking consultation and acknowledgement of their status in the area. She recommended that an assessment of tangata whenua values was an appropriate criterion for consideration of a restricted discretionary activity resource consent application. This criterion is agreed by all planners in the proposed plan change provisions (close of hearing version). The Panel considers this criterion appropriate.
- [111] With respect to European heritage: there are no scheduled European heritage features on the subject Site. The proposed plan change provisions (close of hearing version) include an agreed criterion for consideration of adverse effects on archaeological sites. Given the degree of agreement between the relevant experts the Panel is satisfied that the issues relating to culture and heritage are not a risk to the rezoning of the Site, and that they can be adequately addressed at the resource consent stage. The proposed plan change provisions (close of hearing version) are considered appropriate.

Economic

- [112] The economic assessment prepared for Summerset confirmed that, should a retirement village obtain resource consent, the economic effect would overall be positive. The assessment for the Council generally agreed although there was disagreement as to the degree of positive effect that would be derived. These differences are not considered significant to evaluation of the plan change.
- [113] Submissions relating to potential economic issues were largely positive, including the opportunities that would be derived through construction activity, employment, and additional housing stock freed up. There was no expert evidence to suggest that there would be adverse economic effects that would justify declining the plan change.
- [114] The Panel accepts the assessment of the economists and does not consider that there are any provisions necessary to require specific examination of this issue at the resource consent stage.

Urban design and ‘neighbour’ effects

Overview

- [115] We received evidence from three experienced experts in urban design: Mr Munro for the applicant, Mr Burns for the Boulcott Preservation Society and Boulcott School, and Mr Gjerde for the Hutt City Council. Despite their differences, there was also some measure of agreement between the urban design experts.
- [116] The Plan Change application included an urban design assessment by Wraight & Associates. That urban design assessment was not supported by evidence from the author at the hearing. Mr Munro was engaged by Summerset and considered urban design matters afresh.
- [117] The two key unresolved issues between planning experts is identified at [50] of this report. The difference between the planning experts has the origin in:
- (a) Differences in the assessment by the urban design experts concerning the appropriate scale of development on the Site; and
 - (b) Differences in the assessment by the urban design experts of the desirability of special controls to manage the interface between the SRAA and Boulcott School.
- [118] The two issues identified at [50] of this report provide the reference point for our assessment of the urban design issues.
- [119] The urban design experts all agreed that the Site is suitable for well designed, comprehensive residential development. Indeed, comprehensive residential development would be better than *ad hoc* residential development that could occur on the Site through a change in zoning because of the Site’s irregular configuration and relative isolation from the existing urban form that will inevitably result in a somewhat inward looking development. Some of these features point to the Site’s highest and best use for a self-contained special residential complex such as a retirement village.
- [120] The urban design experts also agreed that the development of the Site needed to reflect good urban design principles. This included an appropriate response to the existing residential context. While the experts agreed on the general principles that informed “appropriateness”, there were material differences when it came to the detail. Because of this agreement amongst urban designers there was also high degree of planning consensus on proposed policy 4A.1.2.1(l) in the close of hearing version to addressing building height, scale, density and location issues for this specifically identified Site.
- [121] Mr Gjerde and Mr Burns considered that the Masterplan promoted in the application

(and by association the Amended Height Zoning Plan that was derived from the Masterplan) represented a form of development (by reason of massing, height and impact at the interface) that did not acknowledge or respond appropriately to the existing context. Both Mr Gjerde and Mr Burns relied on the urban design tool called the “transect” to demonstrate the scale of the development in the Masterplan was incongruous and out of keeping with the broader coherence in scale and grain of development emanating from Hutt City at its urban centre and extending out to the margins of the river corridor.

- [122] Mr Munro did not provide urban design evidence in support of the Masterplan. His lack of positive analytical support for the Masterplan was telling. Mr Munro did promote the Amended Height Zoning Plan that would accommodate in large measure the scale of development conceptually shown in the Masterplan. The principal advantage of that method was (according to Mr Munro and Mr Aburn) to provide certainty to adjoining land owners that there was a “height ceiling” in place to protect residential amenity. This is because as proposed by the applicant, any breach of that height ceiling would trigger a non-complying activity classification.
- [123] As Mr Gjerde astutely noted a Height Zoning Plan will be perceived by developers as a target rather than a limit. The same is probably true of any height limit stated in policy or rules.
- [124] The Amended Height Zoning Plan has its provenance in the Masterplan. The purpose and justification for the Amended Height Zoning Plan cannot be explained, other than in the context of the Masterplan and the application for plan change as originally promoted. As the Masterplan was not supported by any credible urban design evidence, it was inevitable that neither Mr Munro nor Mr Aburn sought to preserve the Amended Height Zoning Plan as a method in their evidence at the conclusion of the hearing.
- [125] On the evidence available, our assessment is that a development that took advantage of the Amended Height Zoning Plan, in a manner similar to the Masterplan, would represent an over development of the Site and would not meet good urban design principles.

Is there an opportunity for greater height on the Site than the 8m permitted in the GRAA?

- [126] Mr Burns contended for an 8m height limit across the entire Site to ensure the development was an appropriate scale having regard to the pattern and grain of development in Hutt City from the City centre extending to the river corridor. Again, he relied heavily on the transect tool to support this firm approach.
- [127] Mr Munro considered the transect an inappropriate and rigid tool to apply in the way in which Mr Burns proposed. Mr Munro did not consider that the transect was a tool designed to restrict development opportunities in every urban city in the western

world and for every site that became available in mature urban centres. Mr Munro considered that urban design considerations that affected the appropriate scale of development were multi-factorial. Appropriate urban design was informed, he said, by a range of disciplines and community considerations.

[128] The outcome of the transect also depends on where you take it from. Transect line B in Mr Burns statement of evidence at [1.18] showed a high degree of urban intensification from the city centre, right to the edge of the river corridor. So the tendency for reduction in density from the centre of the river corridor (illustrated by Mr Burn’s transect line A) does not hold true even within a relatively small geographical area. The Panel noted that Hutt City’s pattern of urban development was punctuated by buildings of greater mass and height in various locations.

[129] We agree with Mr Munro’s analysis in his rebuttal statement at [2.9] where it states: *Notwithstanding the above, I cannot see how in Mr Burn’s analysis the river corridor adjacent to the CBD is an urban environment that can support density and height at the edge (his paragraph [1.18]), but is a rural environment at Boulcott that cannot accommodate such mass. The river environment is the river environment as a continuous corridor and its sensitivities do not change simply because of the historical development that happens to have developed laterally adjacent to it. That is in my view the epitome of circular analysis – the future can only be the past.*

[130] Mr Gjerde followed a middle path. He treated the transect as a tool not a dogma. The tool can be used to consider and address important urban design considerations including context and coherence.

[131] We agree with Mr Munro’s general critique of Mr Burn’s approach and consider it more consistent with the wide range of statutory considerations we must consider in reaching a conclusion on plan change. We observe that New Zealand’s urban fabric is, and will continue to change in response to changes in demography, economics and wider societal changes. Appropriate urban planning cannot be achieved by resort to single instruments, let alone ones that are not designed as specific normative tools for urban planning in the New Zealand context. We also agree with Mr Gjerde that the transect and other metrics, including the form and grain of existing development, are features of urban form and amenity that can and should be considered and weighted with other considerations when addressing the appropriate scale of new development and the extent to which any new development can comfortably co-exist with the existing environment.

[132] We also note that response to “context” is generally referred to in the urban design profession as a principle to achieve good outcomes and is a broad concept that takes account of a range of factors that include social, culture and economic context¹⁵. Context must include consideration of the reality of an aging population and the

¹⁵ See New Zealand Urban Design Protocol – Ministry for the Environment (2005) page 18. Also refer to Mr Munro’s rebuttal evidence at [3.10]-[3.13].

preference for some members of the cohort for a particular style of residential accommodation that we associate with retirement villages.

- [133] The Panel agrees with Mr Munro’s analysis at [3.13] of his rebuttal statement of evidence where he said: “*A key consideration when applying this principle of context is that, read as a whole, it does not go so far as to state that successful urban design outcome requires new development to be subservient to or recessive to predominant patterns identified in the existing physical environment. “Fitting in” could still allow compatible differences to be accommodated. It is more about understanding a site in its full present and future context together and the need to make an informed response – one which may be appropriate despite not meeting the preferences of all.*”
- [134] There are key neighbouring effects on adjoining properties that need to be addressed, such as dominance, shadowing and overlooking. It is plain that these effects can be largely overcome or appropriately mitigated by locating buildings an appropriate distance from the boundary. The appropriateness of the distance will depend on a range of factors, including building scale and massing.
- [135] Once these direct neighbouring effects are addressed, the concerns regarding building height, scale and mass translate into a wider concern regarding coherence and compatibility with the neighbourhood generally. An aspect of what Mr Gjerde referred to as “civic concinnity”¹⁶. On the issues of coherence and compatibility, the urban designers were not able to provide estimable standards of assessment. There is a range of reasonable but different opinions on whether an appropriate “fit” is achieved, and whether the inevitable trade-offs are acceptable. As Mr Gjerde acknowledged, the concept of urban design and appropriate response to context is a “broad church”.
- [136] On the question of height, Mr Gjerde during the hot tubbing sessions on the last day of the hearing, conceded that additional height, particularly on the north western part of the site away from the existing urban boundaries could be acceptable. Mr Gjerde said that height was not the sole issue. Inappropriate massing of buildings can be more deleterious to good urban design outcomes.
- [137] At page 5 of the Panel’s Minutes, Mr Gjerde is recorded as saying: “*The benefit of additional height would allow more intensive development. Benefit to the wider public of additional height perhaps would be to punctuate that edge more effectively. E.g.: GNS – bulk more than height is negative.*”
- [138] During the final day of hot tubbing, Mr Aburn referred us to documentation on the Woburn Apartments¹⁷. These apartments are off Wai-iti Crescent near the Masonic Care Centre, the Enliven Rest Home and the Hutt Valley High School. The Woburn

¹⁶ In that regard we were referred to the following article; Childs “Civic Concinnity” *Journal of Urban Design*, Vol. 14. No. 2, 131, 145, May 2009.

¹⁷ See document 14.

Apartments include a large building with height well in excess of 8m from ground level and extends in height well above the existing stopbank. This stopbank is also part of the Hutt River Trail.

- [139] The Panel took the opportunity on a second site visit to view the Woburn Apartments. The architectural merits of the building can be debated. The apartment building did demonstrate to the Panel three things: the taller buildings were not incongruous with scale of adjoining lower scale development, including the 1950's units that form part of the older part of the Masonic Village; the Woburn Apartment building was highly visible from the top of the stopbank, but this did not detract from the expansive views (over 180 degrees) that could be enjoyed to the Belmont Hills and river corridor; and the residents of the apartments plainly enjoyed wide vistas to the river corridor and beyond.
- [140] The Panel considers that there is an opportunity for additional height and larger buildings on the site. The question then becomes how to acknowledge this in the Plan provisions? We do not consider this issue between some parties should be entirely left to be considered at the resource consent stage without any policy guidance. This would be just kicking the can down the road and not address this key matter.
- [141] Mr Aburn's approach was to set a graduated height with 16.5m as a maximum west of a line 25m into the site and parallel to the rear boundaries of numbers 22A to 32 Hathaway Avenue. A maximum line height of 8m would apply east of that line (see Appendix A3, pp 14-15). Where these maximum heights are exceeded, Mr Aburn proposed that the activity be classified as non-complying.
- [142] The Panel is not attracted to Mr Aburn's approach. Mr Aburn's provisions may suggest we have assessed a height up to 16.5m (about 4 storeys) as acceptable. We have insufficient information to reach that conclusion and this report should not be taken as approving any particular height for buildings. The benefit of a height ceiling as Mr Aburn proposed is largely illusory. With well worded policy, the risk of inappropriate height on the site is small. In addition the urban design issues to be addressed for appropriate development on this Site are more nuanced than a simple concern focussed on height. Mr Aburn's special provisions on height detract from the subtlety of urban design concerns that will arise with development on the site.
- [143] The Panel therefore adopts the reasoning of Ms Sweetman who was never attracted to the maximum height provisions in any form promoted by Mr Aburn.
- [144] Mr Bailey expressed it well when he said that additional height for a development for housing for the elderly needed "to be earned". We consider that the opportunity for larger and taller buildings should be acknowledged in policy. We consider that this policy should also express the urban design outcomes that need to be achieved in order for development to merit that additional scale and height.

[145] As a consequence, we have recommended a new policy for 4A1.2.1(m) in the text of the decision's version in Appendix 1.

What additional methods, including setbacks, building width and building separation controls, if any, are required to manage interface issues at the boundaries?

[146] In Mr Burns' opinion, additional controls were justified at the boundaries of the SRAA, Boulcott School and the GRAA. In particular, Mr Burns contended for a setback distance of 15m and a maximum building width of 10m.

[147] Initially, these were to be implemented by rules. Later, Mr Bailey for Boulcott Preservation Society and Boulcott School, agreed to the close of hearings version that sought policy rather than rules to address the requirements for appropriate urban design outcomes at the interface with existing boundaries.

[148] Mr Munro in his rebuttal statement at [2.17] said in respect of Mr Burns proposed 15m setback the following: *"I have interpreted Mr Burns evidence as being that a 15m setback is not of itself required to maintain residential amenity within the SRAA (because he does not object to the way SRAA properties themselves relate to one another relying on the GResAA/SRAA development controls). It appears to be a concern that because those neighbours that immediately adjoin the PC 35 site enjoy views across it now, there is a reasonable expectation that they should continue to do so despite having no ownership interest in the land. This is a novel approach I have not encountered before despite working across the country on approximately 1000 projects including a number of major intensification and greenfield expansion ones"*.

[149] Neither Mr Gjerde nor Ms. Sweetman for the Council supported Mr Burn's approach.

[150] Appropriately managing effects such as dominance, shading and privacy on neighbours from development is difficult enough. The rational justification for additional controls based on historical expectations is even more difficult, and undoubtedly imposes costs on the affected landowner (through a reduction in land use opportunity) that should be soberly addressed in terms of costs and benefits. Both economic and all other relevant costs and benefits. This is required by RMA, s 32. Grappling with the complexity of benefits and costs in this arena is hardly new. As the economist Milton Friedman said in "Capitalism and Freedom": *"It is hard to know when neighbourhood effects are sufficiently large to justify the cost of overcoming them and even harder to distribute the costs in an appropriate fashion"*¹⁸. This probably explains why on this important matter of dispute the assistance we derived from expert economic evidence was small.

[151] The Panel's judgment is that the setbacks proposed by Mr Burns are too onerous and

¹⁸ Friedman, "Capitalism and Freedom" University of Chicago Press, 1962, page 32.

cannot be justified. The agreed setback of 5m is a standard for restricted activity classification in the close of hearing's version of the Plan Provisions is sufficient alongside clear policy that requires appropriate design response to the interface with existing urban development. This enables an assessment of a specific proposal in a manner that recognises the many factors that inform whether good urban outcomes are achieved.

[152] The Panel's conclusion is similar on the topic of building width. This is a dimension that informs good design. It can be considered alongside other matters in assessing whether or not good design is achieved provided appropriate policy that directs decision makers to address that issue.

[153] There will be an appropriate balance to strike on these matters and that will be discovered through respectful dialogue and careful consideration of a range of legitimate perspectives properly weighed.

[154] In summary, the Panel's conclusion is that the discretions provided by rules, the minimum setback standard of 5m and well worded policy are a sufficient combination to ensure that the urban design issues identified at the existing boundaries are well managed.

Change to the 'close of hearing' version

[155] The Panel's decision on the plan change text differs from parts of the close of hearings version. Of course, there were aspects of that close of hearings version where there was disagreement amongst the planners. The significant changes that we have are reflected in the Panel's recommended textual changes to the ODP (Appendix 1). The explanation for some of those changes is set out below. We have considered those matters we are required to consider in accordance with s32AA and reached our conclusions on those matters based on the reasoning set out in this entire report.

[156] The Panel have largely retained Policy 4A.1.2.1(l) as proposed in the close of hearings version, but have added the words "*positive, varied and visual interest in the form and layout of the development*" because these are aspects of good urban design that we identified as important to manage the risks of an appropriate development on the site. In addition, if there is additional height and scale that is visible from key locations, then appropriate architectural treatment will be critical to the urban design merits to the proposal. The Panel has not added additional wording which came by way of further proposal on 8 July 2016 which proposed inclusion of reference to the need for any development to reflect the "*grain and alignment of the existing areas buildings and intervening open spaces*". We consider that this would unnecessarily constrain development on the site which has its own challenges by reason of its irregular shape.

- [157] The Panel have included a new Policy 4A.1.2.1(m) because for the reasons given in this report we consider there is a proper opportunity for larger buildings and greater height than the permitted height of 8m on this site. We have framed the policy in such a way as to emphasise the pre-eminent importance of achieving the requirements of Policy 4A.1.2.1(l). We have also identified other elements that are important to an appropriate design. This policy should ensure that any additional height and bulk will need to be carefully conceived and well justified in urban design terms. The explicit recognition of the opportunity recognises the positive benefits that will flow from an appropriate intensification of the site.
- [158] The Panel have amended the Rule 4A2.3(m). We have deleted the reference to height limits proposed by Mr Aburn for the reasons given in this report. We have emphasised that height is not a standard that is qualifying for restricted activity status on the site for a comprehensive development for housing for the elderly. The policies that will inform the discretion are sufficient to secure an appropriate urban design outcome based on the expectation that any decision maker will assess the proposal against those policies carefully.
- [159] Rule 4A2.3.1 sets out the matters on which the Council has restricted its discretion as well as standards and terms. A new sub- paragraph (n) is included to accommodate “Housing for the Elderly within the area identified in Appendix General Residential 22”. The planners’ close of hearing version then listed a range of matters. This list identified first of all a class of effect next to the roman numeral in the list. Then below that heading is text where special attention is drawn to particular matters. It is important that the scope of discretion is defined sufficiently broadly to address all matters that might influence the exercise of discretion. We have therefore provided a clarifying statement at the top, below the Rule (n) that reads as follows: “*The heading for each class of effects listed provides the scope of the discretion to address any effect of the development in that class. The rest of the text draws attention to the particular aspects of that class that will need to be carefully considered. The activity must also meet the standards or conditions in 4A2.3(m).*”
- [160] The Panel have also made some improvements to the wording of the various listed matters of discretion to ensure that matters that we considered could or should influence the decision or conditions can be addressed by a future decision maker.
- [161] The Panel have also added a new (xi) that reads: “*Positive effects arising from provision of Housing for the Elderly in a comprehensively planned development*”.
- [162] It is sometimes forgotten that positive effects, unless expressly mentioned as matters of discretion, cannot come into the overall consideration of a proposal where the restricted discretionary matters listed focus only on adverse effects. There will be trade-offs in the assessment of any proposal and it is important to identify positive effects as a matter relevant to the discretion to ensure that both positive and adverse effects are appropriately weighed.

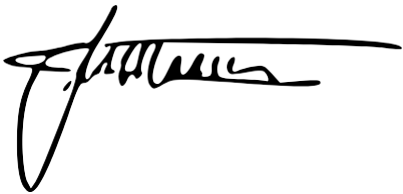
Other matters

- [163] The applicant proposed a provision that dispensed with notification of a resource consent (except for service on GWRC) for any restricted discretionary activity added to Rule 4A 2.3 by PC 35.
- [164] Ms. Sweetman did not support this proposal. She considered there was a material risk of adverse effects from any development on the Site and the opportunity for input from those assessed as affected under the Part 6 RMA (and public notification if required), was desirable for an optimal decision-making process. In reaching that conclusion Sweetman also relied on the Council's social impact assessment, Ms. Linzey, at page 7. Ms. Sweetman also considered an assessment of notification requirements at the consent stage in accordance with Part 6 to be consistent with the conferencing statement of urban design experts¹⁹.
- [165] The Panel agrees with Ms. Sweetman's analysis.
- [166] One of the issues that was raised by Hutt City Council was the need for improvement of the intersection at Boulcott Street and High Street which is currently not on the LTP programme. There have been negotiations between Summerset and the Council on the funding of that improvement. The Council roading officers considered that that issue needed to be resolved as a condition of plan change approval. Summerset on the other hand, considered that those issues could be resolved at the resource consent stage.
- [167] The existing sub-optimal level of service at the intersection at Boulcott Street and High Street is probably the result of wider City growth. It would not be reasonable or appropriate to make the plan change conditional on the satisfactory resolution of roading cost allocations between Hutt City Council and Summerset merely because the development enabled by the plan change is likely to cause a further decline in that level of service. If there are direct effects on the network associated with any future resource consent application, then upgrades can be required as a condition of consent with the usual rights of appeal available to the applicant if the requirements are thought to be unfair. Otherwise, general improvements in roading network to accommodate growth should be scheduled and prioritized by the Council in accordance with its statutory obligations through the LTP and Annual Plan process. Costs of growth should be recovered through development contributions and those costs can be adjusted by the Council where previous modelling assumptions or scheduled works, on which the Development Contribution Policy is based, change. These are the statutory mechanisms provided by Parliament to address these issues.

¹⁹ Sweetman s 42 A report at [195]-[196]

Conclusion

- [168] The Panel has undertaken its statutory and delegated role: it has considered the evidence; it has heard from submitters that wish to be heard; it tested the evidence through questioning at the hearing, and in particular tested the evidence of various experts for the various parties; and it has conducted two site visits.
- [169] After that process, the Panel's recommendation to the Hutt City Council is to determine the Private Plan Change Application of Summerset Village (Lower Hutt) Limited in the manner set out in paragraph [3] of this report.
- [170] The Panel would like to express gratitude to the responsible way in which the parties conducted this matter and the professional quality of the evidence of experts generally.
- [171] The Panel would also like to thank Hutt City Council staff for their capable assistance, especially, Judy Randall and Heather Clegg who were responsible for logistics and minute taking respectively.



John Maassen
Chairperson



Karyn Sinclair



Mark St Clair

Appendix 1

PC 35 - Hearing Panel Changes to the Operative District Plan

The following document shows Chapter 4A General Residential Activity Area and Chapter 14A Transport (partly) as amended by the recommended decision of the Hearing Panel.

Any amendments are shown as underlined.

4A General Residential Activity Area

4A 1 Issues, Objectives and Policies

4A 1.1 Local Area Issues

4A 1.1.1 Residential Character and Amenity Values

Issue

Residential dwellings and activities, subdivision patterns, open space, vegetation and a general absence of non-residential, or large scale commercial or industrial operations, all contribute to the residential character and amenity values associated with the general residential areas of the City. It is important that activities are managed to ensure residential character is retained, and amenity values are maintained and enhanced.

Objective

To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.

Policies

- (a) That opportunity be provided for a diversity of residential activities.
- (b) To restrict the range of non-residential, and commercial activities to those which will not affect adversely the residential character or amenity values.
- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.
- (f) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the intrinsic values of ecosystems.

Explanation and Reasons

Residential dwelling houses and activities, open space, existing subdivision patterns and a general absence of large scale commercial and industrial activities all contribute to the residential character and amenity values associated with the General Residential Activity Area.

Non-residential, commercial or industrial activities and inappropriate subdivision have the potential to alter the character of the residential environment, and affect adversely the amenity values associated with a particular area. The adverse effects of these activities will be managed through the use of lists of activities and rules.

Residential dwellings and activities will be permitted with minimum conditions specified.

General commercial and industrial activities will be discouraged from locating within a residential environment. Adverse effects upon amenity values caused by noise, dust, glare, light spill and odour will also be managed through the use of rules.

It is necessary to control the clearance of vegetation to protect visual amenity values and the intrinsic values of ecosystems.

4A1.1.2 Medium Density Residential Development

Issue

The Plan seeks to provide opportunity for higher dwelling densities where adverse effects on the surrounding residential environment are managed, and amenity values are maintained and enhanced. Such opportunity should be provided along major transport routes, around some commercial centres, and where amenity values will not be affected adversely.

Objective

To ensure opportunity is made for medium 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.
- (b) To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.
- (c) That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (Appendix 19) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.

Explanation and Reasons

Opportunity will be available for higher dwelling densities along major transport routes, around some commercial centres, and in the residential area between Jackson Street and The Esplanade, Petone, where existing residential dwelling densities are higher, and where amenity values will not be affected adversely.

This will encourage the use of public transport, promote the efficient use of resources, and takes into account the changing nature of the city's population.

These areas have been specifically chosen, as allowing densities to increase in all residential areas of the City may affect the character and amenity values associated with particular areas.

The Plan will manage the effects of medium 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 the Design Guide. The aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas.

4A 1.1.3 Home Occupations

Issue

Many people want to work from home. Provision for such activities to occur within a residential environment requires that the adverse effects are managed, to ensure amenity values are maintained and enhanced, and residential characteristics are retained. Such adverse effects may arise from their nature, scale, exterior appearance, advertising, and potential for increased traffic movements, noise, dust, odour, and electrical interference.

Objective

To avoid, remedy or mitigate adverse effects of home occupations on residential character and amenity values of the residential environment in which they are located.

Policies

- (a) To allow home occupations, where the adverse effects on the surrounding residential area are managed, and the residential characteristics of the site and buildings are maintained. Such adverse effects may be caused by the appearance of the site and building, nature, scale, traffic, noise, dust, electrical interference, and the potential to alter the residential character of the house, site or surrounding area.
- (b) To manage the adverse effects of signs associated with home occupations, taking into account their size, location, appearance, frequency, number and lighting.

Explanation and Reasons

The residential areas of the City are seen not only as a place to live, but ones in which to work as well. For many residents the home offers a positive working environment. As technology advances, it is becoming easier to conduct businesses from home.

Home occupations can cause the loss of residential character, or affect adversely the amenity values and physical appearance of the site, building and surrounding residential environment. This can be caused by their nature and scale, noise, dust, odour, vehicle and pedestrian activity.

Appropriate conditions have been specified in the Plan to manage the adverse effects of home occupations. Provided these conditions are met, home occupations will be permitted activities.

4A 1.1.4 Non-Residential Activities

Issue

Non-residential activities in residential areas can support residential activities and provide social and economic benefits to the community. Such activities can also have significant adverse effects upon surrounding residential properties. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced.

Objective

To ensure that any adverse effects of non-residential activities on the character and amenity values of surrounding residential areas are avoided, remedied or mitigated.

Policies

- (a) To ensure that any adverse effects caused by the size, scale and nature of non-residential activities, and any associated storage of hazardous substances, light spill, noise, glare, vehicle and pedestrian activity upon surrounding residential properties, are avoided, remedied or mitigated.

- (b)** To control the number of signs, and ensure that any adverse effects of sign location and appearance on surrounding properties, are avoided, remedied or mitigated.
- (c)** To recognise that Site Management Plans may be appropriate to manage matters beyond those addressed in the Plan.
- (d)** To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effects on the residential environment, particularly the character and amenity values of the neighbourhood.

Explanation and Reasons

There are many activities which are non-residential in nature, but which are essential to allow residents to provide for their social, economic, and cultural well being. These include education facilities ranging from child care facilities and pre-schools to tertiary facilities, places of assembly, medical and emergency facilities, and small retail activities to provide for daily needs of residents.

One principal non-residential activity is the Wellington Institute of Technology (“WeITec”) in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. This tertiary education facility is recognised as making an important contribution to the economic and social wellbeing of the city and wider region. To recognise the location of the existing campus and the role, nature and activities of the tertiary education facility, it is identified and managed within the District Plan as a ‘Tertiary Education Precinct’. The purpose of the Precinct is to provide for the ongoing use and development of the campus within the boundaries of the Precinct to meet future tertiary education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

It is expected that the precinct will function as a boundary for the containment of tertiary education activities to protect the residential neighbourhood from encroachment of non-residential development. Future expansion of the Precinct is not prohibited but any extension would require a change to the District Plan.

In recognition of the existing environment in which the campus is located, the Tertiary Education Precinct retains the underlying zoning.

Most of the Campus is located within the General Residential Activity Area, while a smaller part is located within the General Business Activity Area.

Non-residential activities can have adverse effects on the amenities of surrounding residential properties, and can alter the residential character of the area in which they are located. Adverse effects may arise due to the appearance of the building and site, layout of the site, noise, storage of hazardous substances, light spill, glare, vehicle and pedestrian movements. Specific additional controls are provided for in the Tertiary Education Precinct where the precinct boundary abuts residential activities within the General Residential Activity Area.

In the General Residential Activity Area opportunity will be made for a range of non-residential activities where adverse effects can be managed.

Where retail activity is provided for in the General Residential Activity Area, it is intended that this be for the purposes of providing for the daily needs of residents, and not for the purposes of general retailing.

A Site Management Plan is one method available to address matters of protocol and procedure between neighbours, interest groups and non-residential activity managers. Such a Site Management Plan would be a document independent from the Plan but could be included within other formal documents for site management such as Standing Orders, Standard Operational Procedures, Operational or Business Plans, Best Practical Options, or other similar documents. A Site Management Plan may work in conjunction with relevant provisions within the Plan.

4A 1.2 Site Development Issue

4A 1.2.1 Building Height, Scale, Intensity and Location

Issue

The height, scale, intensity and location of buildings and structures can cause adverse effects upon amenity values of neighbouring properties, and the residential character of the surrounding area. It is important that such adverse effects are managed.

Objective

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Policies

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.
- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.
- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.
- (d) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.
- (e) To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.
- (f) To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.
- (g) To establish a minimum permeable surface area to assist with the sustainable management of stormwater.
- (h) That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.
- (i) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4A 2.1.1(e). Under such circumstances the scale, intensity, visual attractiveness of buildings and/or structures as well as the adverse effects on the amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.
- (j) To ensure that the developments are in general accordance with the Design Guide for Medium Density Housing (Appendix 19) 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.
- (k) To establish specific standards for maximum height, maximum site coverage, minimum setback and recession planes, building frontages and corner sites within specific areas of the Tertiary Education Precinct to recognise the existing scale and

intensity of the built development in the Precinct and to avoid, remedy or mitigate adverse effects on the amenity values of abutting residential properties and the streetscape.

- (l) To enable a comprehensively designed Housing for the Elderly development, within the area identified in Appendix General Residential 22, that demonstrates positive, varied and visual interest in the form and layout of the development, while ensuring that development achieves the following:
 - (i) Development adjacent to a Residential Activity Area boundary is compatible with the scale, location and form of development on the existing Residential Activity Area properties;
 - (ii) Development adjacent to the Boulcott School boundary is of a scale and form that responds to the existing scale and intensity of development on the school site;
 - (iii) In achieving (i) to (ii) above, development should be planned and designed, constructed and managed in a manner that contributes to a positive relationship to its neighbours through good urban design.
- (m) To enable, for a development where (l) above applies, larger buildings and buildings taller than the permitted height of 8m in the General Residential Activity Area to recognise the large site and the opportunity to take advantage of views across the Lower Hutt Golf Course from the edge of the new stopbank where the layout, massing, arrangement and design of all buildings is demonstrated in a comprehensive development to achieve:
 - (i) All aspects of policy (l) above;
 - (ii) An appropriate urban design response to the wider context so that the coherence of the adjoining neighbourhood's urban form is not adversely affected to an inappropriate degree;
 - (iii) Appropriate visual permeability across the site;
 - (iv) An attractive and well designed edge treatment when viewed from the new stopbank and avoids buildings that have inappropriate length or mass.

Explanation and Reasons

All buildings and structures have the potential to affect adversely the amenity values of adjacent sites if their height, location, intensity and scale is not managed.

Buildings can unnecessarily shade an adjacent property, or be out of scale with adjacent buildings if they are too tall, and can dominate adjacent sites if they are located too close to a site boundary without some control on their length.

They also have the potential to affect adversely the character and amenities of the surrounding residential area. New development may be out of scale with existing development, or affect adversely the visual amenity value of the streetscape, if the height, location and intensity of all buildings and structures is not managed.

In order to ensure that amenity values and residential character are maintained and enhanced, and that adverse effects are managed, minimum conditions are specified.

(a) Net Site Area

Within the General Residential Activity Area medium density residential development is encouraged to preserve the overall open character. In addition, where provision is made for 3 or more dwellings on a site no minimum net area is required.

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.

(b) Site Coverage

Combined with net site area, site coverage helps to control building density. A maximum acceptable site coverage of 35% has been set. Where higher density residential development is encouraged, this maximum site coverage has been set at 40% to allow more intensive use of the site, while protecting residential amenity values.

Within the Tertiary Education Precinct, a maximum site coverage of 60% has been set for the area on the western side of Kensington Avenue, recognising the existing nature, scale and intensity of activities and development within the core of the campus. A 40% maximum site coverage standard applies to the areas in Udy Street, Elizabeth Street while for the eastern side of Kensington Avenue the underlying 35% site coverage applies.

(c) Recession Plane

The recession plane ensures some sunlight and daylight are available to adjoining sites when a building is erected, and manages the bulk of buildings above a certain height. Compliance with the angle from the street boundary is necessary to ensure the amenity values of the streetscape are maintained and enhanced.

Within the Tertiary Education Precinct, a specific recession plane requirement applies to the southern boundary of the area in Kensington Avenue (both sides), which abut residential properties in the General Residential Activity Area, to ensure buildings are set back and are of a height to protect neighbouring residential properties from excessive shading and building dominance.

The standard recession plane requirement applies to other boundaries within the Precinct which adjoin the General Residential Activity Area. However, the recession plan requirement does not apply to internal boundaries within the Tertiary Education Precinct as such effects are internalised within the campus.

(d) Yards

The yard spaces provide space around dwellings and accessory buildings to ensure the visual amenity values of the residential environment are maintained or enhanced, to allow for maintenance of the exterior of buildings, and provide a break between building frontages.

The front yard space is to ensure a setback is provided to enhance the amenity values of the streetscape, and to provide a reasonable degree of privacy for residents.

Within the Tertiary Education Precinct area, a specific minimum yard requirement applies to the southern boundary of the area in Udy Street and Kensington Avenue (both sides), which abut residential properties in the General Residential Activity Area, to ensure buildings are setback and are of a height to protect neighbouring residential properties from excessive shading and building dominance.

The standard minimum yard requirement applies to other boundaries within the Precinct which abut the General Residential Activity Area. However the minimum yard setback requirement does not apply to internal boundaries within the Tertiary Education Precinct as such effects are internalised within the campus.

(e) Height

Height of buildings and structures within the general residential activity area is restricted to ensure new development is not out of scale with existing buildings and structures, residential character is retained, and amenity values are maintained and enhanced.

Within the Tertiary Education Precinct, an increased maximum building height applies to the area on the western side of Kensington Avenue to reflect the height of existing buildings on the campus, and to provide for the efficient use of the land, while

maintaining the character and amenity values of the surrounding area. Specific recession plane and minimum yard requirements apply to the boundaries of the Tertiary Education Precinct to protect the interface with residential properties. Within the area of the Precinct in Elizabeth Street, Udy Street and on the eastern side of Kensington Avenue, the standard maximum height limit applies.

(f) Length

The length of a building is managed to control the adverse effects of a bulky building in close proximity to a site boundary.

(g) Accessory Buildings

Accessory buildings can be used for a variety of different purposes, including vehicle storage, additional living space, workshops or home occupations. Their location on a site can cause adverse effects on the amenity values of adjoining sites or the streetscape, and it is important that these adverse effects are managed, whilst allowing an individual to make the best use of the site.

Accessory buildings shall comply with the same height, recession plane, and site coverage restrictions as those for a dwelling house.

Accessory buildings shall also be required to comply with the front yard requirement. This is to ensure the visual amenity values of the streetscape are maintained and enhanced.

Some flexibility will be provided to allow accessory buildings to encroach side and rear yard requirements where effects on adjacent properties will be minimal.

Where a site is vacant (for example in the case of greenfield subdivision), the site is being completely redeveloped, or an additional dwelling house is erected on the site, an additional set back from the street will be required where a carport or garage is to be erected perpendicular to the street. This is to enable a vehicle to park in front of the garage, and be off the street, and for convenience and maintenance of both the vehicle and the building. It is also required for safety reasons, - visibility for the driver and pedestrians when cars enter or exit the site.

(h) 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.

(i) Building Frontages and Corner Sites

Within the Tertiary Education Precinct specific standards apply in relation to Building Frontages and Corner Sites to ensure that any new development addresses the residential interface and effects on the streetscape by creating active street frontages and avoiding blank and featureless walls and facades at ground level.

4A 1.2.2 Effects of the Hutt River Flood Hazard

Issue

Areas not protected by flood protection structures are at a risk of flooding by the Hutt River. The size, scale and location of buildings and structures need to be managed to avoid or mitigate adverse flood hazard effects.

Objective

To avoid or mitigate adverse flood hazard effects on existing and new development within areas susceptible to a 100-year flood event from the Hutt River.

Policies

- (a) To ensure that all buildings and structures on sites immediately adjacent to the Hutt River (see Planning Map E3) are appropriately located to avoid damage from erosion hazards of the Hutt River.
- (b) To ensure that all buildings and structures (including additions that are more than minor to existing buildings and structures) on sites identified within the 100-year flood extent have floor levels constructed above the 1 in 100-year flood event.
- (c) To establish a maximum limit on area for additions to the gross floor area of existing buildings or structures as at 1 March 2005 on sites identified within the 100-year flood extent.
- (d) That minor additions (not more than 20m²) to existing buildings and structures on sites identified within the 100-year flood extent are permitted.
- (e) That all buildings and structures do not create adverse flood hazard effects for other land, buildings and structures off-site.
- (f) That new accessory buildings on sites identified within the 100-year flood extent are permitted, subject to a maximum gross floor area.
- (g) To discourage the siting of buildings and structures in the Primary and Secondary River Corridors.
- (h) To ensure that buildings and structures in the Primary or Secondary River Corridor of the Hutt River have no more than minor adverse effects on flood protection structures.
- (i) To mitigate the effects of flood hazards on building and structures in the Primary and Secondary River Corridors by managing their location, size and scale.
- (j) That any remaining risk that arises will be dealt with by emergency management procedures and other voluntary actions.

Explanation and Reasons

In established areas of the Hutt River corridor and floodplain it is accepted that appropriate development must be able to continue, although landowners and developers will be expected to reduce flood hazard effects to an acceptable level. These effects are described in the Hutt River Floodplain Management Plan. Buildings and structures need to be located so they are not in a position likely to subside as a result of erosion or flooding, damaging other buildings and structures such as flood protection structures in the river corridor.

Buildings and structures in the Primary or Secondary River Corridor of the Hutt River could adversely affect flood protection structures. Buildings and structures in the river corridor will also be subject to effects of fast flowing water, deep flooding and erosion. The outcomes identified in the Hutt River Floodplain Management Plan are relevant and should be taken into account in any assessment of effects. It is important that buildings and structures are discouraged in the Primary and Secondary River Corridors. It is therefore appropriate to control the location of buildings and structures.

In order to ensure that flood hazard effects are managed, minimum conditions are specified.

Emergency management procedures and other voluntary actions will be initiated in the event of severe flooding in an effort to minimise the damage to properties and prevent injury and loss of life to people.

(a) **Building Setback Line**

A building setback line (see Planning Map E3) has been established to ensure that all buildings and structures on properties immediately adjacent to the Hutt River are not located in a position where they are at risk from erosion by the Hutt River. Land on the riverside of the line could be subject to erosion over time due to the flow, velocity and meander patterns of the Hutt River. Buildings and structures on the riverside of the line require a resource consent. Buildings and structures on the landward side of the

line that comply with the Permitted Activity Conditions for the General Residential Activity Area do not require a resource consent. At Belmont, erosion protection works have been undertaken on the riverside of the building setback line. These works have substantially increased the protection to Belmont from erosion. The remaining level of risk from erosion is now low when compared to an unprotected bank, though Council must manage this risk through appropriate rules in the District Plan and emergency management procedures.

(b) Floor levels

A limited number of properties in Belmont and at the entrance to Stokes Valley have been identified as being within the 100-year flood extent (see planning maps D3, E3, G1). These properties are not protected by stopbanks. All buildings and structures, including additions that are more than minor, are required to have floor levels constructed above the 1 in 100-year flood event. This floor level is to minimise the flood hazard effects to buildings and structures up to a 100-year flood event. Council must manage the flood risk through appropriate rules in the District Plan and emergency management procedures.

Minor additions to existing buildings and structures not in excess of 20m² gross floor area are permitted at existing floor levels for properties within the 100-year flood extent. New accessory buildings not in excess of 20m² gross floor area are also permitted. The 20m² threshold relates to a desire to permit some building as of right without the need to require a raised floor level. In setting the 20m² limit Council needed to determine at what point the potential adverse effects of the buildings, on the flood hazard should be considered. It is considered that allowing development of 20m² would not significantly increase the flood hazard risk.

4A 2 Rules

4A 2.1 Permitted Activities

- (a)** Dwelling houses.
- (b)** Home occupations.
- (c)** Child care and Kohanga Reo facilities.
- (d)** Residential facility accommodating 8 - 10 persons.
- (e)** Accessory buildings to the above permitted activities.
- (f)** Within the Tertiary Education Precinct (as shown on Appendix General Residential 20), in addition to the above (a) to (e):
 - (i)** Principal tertiary education activities
- (g)** Corner of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, (identified in Appendix General Residential 1), in addition to the above (a) to (e):
 - (i)** Residential accommodation and boarding facilities.
 - (ii)** Visitor accommodation.
 - (iii)** Conference facilities.
 - (iv)** Places of assembly.
 - (v)** Marae.
- (h)** 95 and 97 Cuba Street, Lot 18 DP 709, (identified in Appendix General Residential 2), in addition to the above (a) to (e):

- (i) Repair restoration and sale of second hand goods.
- (ii) Parking associated with the sale of second hand goods.
- (i)** Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3), and the Moores Valley Road Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4), in addition to the above (a) to (e):
 - (i) Plant propagation, and associated office functions and buildings.
 - (ii) The storage and non-mechanical maintenance of equipment for the purposes of maintaining parks and reserves.
- (j)** 374 - 378 Stokes Valley Road, Stokes Valley, Lots 232, 233 and 234 DP 8382; 26 Buick Street, Petone, Lots 173 and 174 and Pt Lot 175 DP 1232 and Lot 42 DP 1533; 42 Fitzherbert Road, Wainuiomata, Section 32 Lowry Bay District; and 4 Makaro Street, Eastbourne, Lot 3 DP 55283, (identified in Appendix General Residential 5), in addition to the above (a) to (e):
 - (i) Emergency facilities.
- (k)** Pt Sec 30 Hutt District located on the western side of the Wairarapa Railway Line between Knights Road and Wilford Street, (identified in Appendix General Residential 6), in addition to the above (a) to (e):
 - (i) Bus depot (Waterloo Bus Depot).
- (l)** 214 Knights Road, Pt Lots 35 and 36 DP 1951, (identified in Appendix General Residential 7):
 - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.
- (m)** 190 Knights Road, Lot 25 DP 1951, (identified in Appendix General Residential 8):
 - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.
- (n)** Cnr Stokes Valley Road and Kamahi Streets, Lot 1 DP 55258, (identified in Appendix General Residential 9):
 - (i) Bus depot (Stokes Valley Bus Depot).
- (o)** Main Road/Burden Avenue, Lot 3 DP 55256, (identified in Appendix General Residential 10):
 - (i) Bus depot (Wainuiomata Bus Depot).
- (p)** 155-157 Waterloo Road, Lower Hutt, Lot 2 DP 82046, (identified in Appendix General Residential 11), in addition to the above (a) to (e):
 - (i) Emergency facilities
- (q)** In respect of Lots 1 and 2 DP 83690 (Mandel Mews), in the 12m wide exclusion area, (identified in Appendix General Residential 12), land can only be utilised for the purpose of road reserve or a reserve created under the provisions of the Reserves Act 1977.
- (r)** 20 Bellevue Road, Lot 2 DP 54165 and part of Lot 1 DP 71142 (identified in Appendix General Residential 13):
 - (i) For that part of the site identified as Transition House –
Educational activities and buildings directly associated with the existing school where the education provided includes students in transition from the school environment to the wider community, teaching of those with special needs, those requiring remedial assistance and the teaching of life skills programmes, all taking place within a residential style building.

- (ii) For that part of the site identified as Block F –
Educational activities and buildings directly associated with the existing school.

4A 2.1.1 Permitted Activities - Conditions

(a) Net Site Area:

- (i) Minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 400m².
- (ii) On residential sites identified on the planning maps as Medium Density Residential, the minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 300m².
- (iii) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.

Compliance with all other Permitted Activity Conditions.

(b) Minimum Yard Requirements:

For all buildings on the net site area:

Front Yard	3.0m
All Other Yards	1.0m

Provided that :

- (i) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site any garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) must be a minimum distance of 5 metres from the front boundary if it has vehicular access directly from the street.
- (ii) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site where a garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) is parallel to the street, and the vehicle has the ability to turn on the site and drive off the site in a forward direction, such a set back is not required, and the normal front yard restriction shall apply.
- (iii) In all cases, for Through Sites and Corner Sites all road frontages shall be treated as front yards.
- (iv) For all yards an eave, chimney or exterior hot water cylinder may extend into any yard space by up to 0.6 metres.
- (v) One accessory building may be located in one yard except the front yard, provided that it does not extend more than 6m along the length of the boundary.

(c) Recession Planes:

For all buildings and structures, and from all site boundaries:

2.5m + 45°

See Appendix General Residential 15.

Provided the recession plane shall not apply to television aerials, flagpoles and chimneys.

Where the net site area boundary is immediately adjacent to an access leg to a rear net site area then the recession plane shall be calculated from the furthest or outside boundary of the access leg.

(d) Maximum Height of Buildings and Structures: 8m

Maximum overall height may not exceed 13m

See Appendix General Residential 16.

(e) Maximum Site Coverage: 35%, except where

Residential sites within this activity area that are identified on the planning maps as Medium Density Residential, maximum site coverage shall be 40%.

In the calculation of site coverage, all buildings and structures on the net site area shall be included. The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

(f) Maximum Length for all Buildings and Structures:

No part of any building exceeding 20m in length may fall outside two arms meeting at a common point on the boundary and each making an angle of 20 degrees with that boundary.

See Appendix General Residential 18.

(g) Permeable Surface

A minimum of 30% of the net site area shall be of permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.

(h) Home Occupations:

A commercial occupation, craft or profession established on the same site as a dwelling, which is used for residential purposes, provided that:

- (i) Not more than three persons (at least one of whom shall live on the site as their principal place of residence) at any one time shall work on the site in relation to any home occupation;
- (ii) Home occupations shall not include:
 - the repair, alteration, restoration or maintenance of motor vehicles; and
 - courier depots.
- (iii) One parking space shall be provided for each non-residential person working on the site except where the site is within 400 metres of a public transport stop; in addition to the parking requirements for residential activities in accordance with Chapter 14A;
- (iv) No home occupation shall involve the use of trucks or other heavy vehicles;
- (v) No retail sales shall be permitted directly from the site except for goods or produce grown or produced on the site;
- (vi) Home occupations shall not involve visitors to the site between 8.00pm and 7.00am;
- (vii) Any external storage of materials associated with the home occupation shall be screened so as not to be visible from outside the site; and
- (viii) Except for vehicles occupying spaces provided for under (iii) above, no vehicles, caravans, or trailers in connection with home occupation activities shall be parked within the first five metres of the site, from the front boundary of the site, except on an access drive.

(i) Child Care and Kohanga Reo Facilities:

- (i) The maximum number of children to be cared for at any one time shall not exceed 5.
- (ii) There shall be no overnight stays.

(j) Dust:

All outside areas shall be sealed, surfaced or managed appropriately so that there is no dust nuisance at or beyond the boundary of the site.

All storage of goods, raw materials and waste materials shall be stored in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

All use of goods and raw materials shall be undertaken in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

(k) Odour:

All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.

(l) Light Spill and Glare:

Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house.

All activities shall be undertaken to avoid glare (light reflection) and light spill beyond the boundary of the site.

(m) Vibration:

Any activity that would cause vibration shall be managed and controlled in such a way that no vibration is discernable beyond the boundaries of the site.

(n) General Rules:

Compliance with all matters in the General Rules - see Chapter 14.

(o) Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1):

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

All Permitted Activities may only be carried out in the existing buildings and structures on the site.

(p) 95 and 97 Cuba Street, Lot 18 DP 709 (identified in Appendix General Residential 2):

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

- (i) The restoration and repair of second hand goods may only occur within the principal building on the site. No other buildings are permitted to be erected or used for the restoration, repair or sale of second hand goods.

- (ii) These uses shall cease on removal of the existing buildings from the site.

(q) Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3) and at the Moores Valley Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

- (i) No retail sales are permitted directly from the site.
- (ii) 20 on site parking spaces are to be provided at each location at all times. All parking to comply with the design standards in Chapter 14A.

- (r) **214 Knights Road**, Pt Lots 35 and 36 DP 1951 (identified in Appendix General Residential 7):
- In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:
- Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.
- (s) **190 Knights Road**, Lot 25 DP 1951 (identified in Appendix General Residential 8):
- In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:
- Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.
- (t) **Land south of Belmont School**, Part Lot 2 Plan A2173:
- In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:
- (i) all buildings and structures must be sited within the area shown on Appendix General Residential 14, and
 - (ii) have a floor level set at a minimum of 13.5m above sea level.
- (u) **155-157 Waterloo Road, Lower Hutt** (Lot 2 DP 82046):
- In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:
- (i) That there be no storage of large items in the rear yard (including the area of the covered wash) for more than seven consecutive days; and
 - (ii) That high level tower training be limited to between 8.00am and 9.00am Monday - Saturday and 6.00pm and 7.00pm Monday - Friday.
- (v) **20 Bellevue Road**, Lot 2 DP 54165 and part of Lot 1 DP 71142 (as shown on Appendix General Residential 13):
- (i) For that part of the site identified as Transition House, the Permitted Activity Conditions are those of the General Residential Activity Area; and
 - (ii) For that part of the site identified as Block F –
 - The minimum yard requirement shall be 7.0m to the site boundary of 18A Bellevue Road (Lot 2 DP 27164) and 5.0m to the site boundary of 29 Hautana Square (Lot 2 DP 71142);
 - The maximum height of any building and structure is 5.8m; and
 - That part of the site identified by shading on Appendix General Residential 13 shall not be used for general school purposes and access to the area will be for emergency purposes only.
 - Permitted Activity Conditions (c), (e), (f), and (j) to (n) apply.
- (w) **Sites in Belmont that contain the building setback line** (see Planning Map E3):
- No part of any building or structure shall be constructed on the riverside of the building setback line.
- (x) **Buildings and structures within the 1 in 100-year flood extent** (see Planning Maps D3, E3 and G1):
- In addition to the other Permitted Activity Conditions, the following shall apply in this area:
- (i) All buildings and structures shall have a floor level above the 1 in 100-year flood level; except:

- (ii) Minor additions to existing buildings and structures are a Permitted Activity provided:
 - the floor level of additions is not below the floor level of the existing building or structure; and
 - the gross floor area of all additions does not exceed 20m² to the gross floor area of the building or structure existing as at 1 March 2005.
- (iii) New accessory buildings shall not exceed a total gross floor area of 20m².

(y) Primary and Secondary River Corridors

All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m² or less and with a setback of 20m or more from a flood protection structure.

(z) For principal tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Residential 20).

Except as outlined below, the Permitted Activity Conditions shall apply within the Tertiary Education Precinct:

- (i) For that part of the Tertiary Education Precinct in Udy Street –
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The maximum site coverage shall be 40%.
- (ii) For that part of the Tertiary Education Precinct in Elizabeth Street –
 - The maximum site coverage shall be 40%.
- (iii) For that part of the Tertiary Education Precinct on the western side of Kensington Avenue –
 - The maximum height of buildings and structures shall be 12m, except that:
 - (a) No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and
 - (b) No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The maximum site coverage shall be 60%.

Note: For the purpose of this rule “southern boundary” shall refer to any boundaries of the Precinct with Lot 1 DP 5460 and Lot 4 DP 8102.

- (iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The recession plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary
- (v) For all areas in the Tertiary Education Precinct -
 - Building Frontages
 - (a) The ground level road frontage of all buildings shall be located within a distance no closer than 3 metres and no further than 5.5 metres of the road boundary and shall provide at least one pedestrian entrance to the road.
 - (b) No building shall create a featureless façade or blank wall wider than 3 metres at the ground level road frontage. A featureless

façade or blank wall is a flat or curved wall surface without any openings or glazing.

- Corner Sites

On any corner site within the Tertiary Education Precinct, the main entrance to any building shall be to a primary street or at the corner. For the purpose of this rule 'main entrance' shall be the doorway intended for the highest rates of access and egress of people into any building, and 'primary street' shall be the road which is classified highest in the Rooding Hierarchy Classification Schedule in Appendix Transport 1.

- (vi) Rules 4A 2.1.1 (b) (Minimum Yard Requirements) and (c) (Recession Plane) do not apply to internal boundaries within all areas of the Tertiary Education Precinct.
- (vii) For all areas in the Tertiary Education Precinct, the following Landscaping and Screening requirements shall apply:
- All outdoor storage and servicing areas shall be screened so that they are not visible from a road or public space. Where this is not practicable such area must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.
 - Where a site abuts a residential or recreation activity area, all outdoor storage and screening areas shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
 - Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area shall be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

4A 2.2 Controlled Activities

- (a) Corner of Hutt Road and Te Mome Road, Lot 26 DP 1984, any industrial activity in the industrial building.
- (b) 10 Bauchop Road, Lot 1 DP 10377, any industrial activity.

4A 2.2.1 Matters in which Council Seeks to Control and Standards and Terms

- (i) Duration of Activity:
The above provisions shall only apply to the use of the existing buildings on the site and shall cease upon the removal of the buildings.
- (ii) Hours of Operation:
The hours of operation shall not exceed:
8.00am to 5.30pm Monday to Friday.
8.00am to 1.00pm Saturday.
No work on Sundays or public holidays.
- (iii) Glare and Light Spill:
- Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling house in a residential activity area.

- All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.
 - All activities and constructions shall be undertaken so as to avoid glare (light reflection) beyond the site boundary.
- (iv) Odour:
- All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.
- (v) Vibration:
- All activities that cause vibration shall be managed and controlled in such a way that no vibration is discernible beyond the site boundary.
- (vi) Retailing:
- There shall be no retailing except where the goods are manufactured on the site, provided that such retailing shall be ancillary to the manufacturing industry.

4A 2.2.2 Other Matters

All Controlled Activities must comply with other relevant Permitted Activity Conditions including the General Rules - See Chapter 14.

4A 2.3 Restricted Discretionary Activities

- (a) Residential development of 3 or more dwelling houses on any site, excluding sites located within Petone, Alicetown, Eastern Bays and Moera General Residential Activity Areas and Medium Density Residential Areas as shown in Appendix 17.
- (b) The removal of vegetation in excess of 500m² or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.
- (c) Health care service with a maximum of 4 practitioners.
- (d) Accessory buildings on legal road.
- (e) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.
- (f) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.
- (g) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.
- (h) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m² or with a setback less than 20m from a flood protection structure.
- (i) Childcare facilities for more than 5 children and up to a maximum of 30 children.
- (j) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which:
 - do not comply with any of the following Permitted Activity conditions: 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A 2.1.1 (z) Tertiary Education Precinct (excluding The Maximum Height of Buildings and Structures 4A 2.1.1 (z) (iii)); and
 - do not exceed 12m in height.

(i) Non-notification

In respect of Rule 4A 2.3 (j), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 4A 2.3 (j) (i) prevails over Rule 17.2.2.

(k) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.

(i) Non-notification

In respect of Rule 4A 2.3 (k), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 4A 2.3 (k) (i) prevails over Rule 17.2.2.

(l) Housing for the elderly on the site shown in Appendix General Residential 21.

(m) Housing for the Elderly within the area identified in Appendix General Residential 22, including buildings and structures which:

(i) Provide a building setback of no less than 5m from all Residential Activity Area boundaries including that of Boulcott School; and

(ii) Otherwise comply with the permitted activity conditions relating to maximum site coverage, maximum length of buildings, recession planes, yard requirements, required permeable surface and not those permitted activity conditions relating to height provided that:

(a) the length of the northern boundary identified in Appendix General Residential 22 shall be exempt from the maximum length of building and recession plane permitted activity conditions; and

(b) for conditions that refer to 'net site area' this term shall be replaced with 'site area'.

4A 2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms

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

(i) Design Guide:

Consideration shall be given to how the proposal addresses the Design Guide for Medium Density Housing (Appendix 19).

(ii) Amenity Values:

Consideration shall be given to adverse effects upon the amenity values both within the site concerned and upon surrounding residential area, including

- The separation distance between buildings, structures and outdoor living areas on site.
- The provision made for outdoor service and living areas for residents, and aural and visual privacy for dwelling units both on the site concerned and on adjacent sites.
- The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular, the impact of building density (net site area, coverage), location (yards), recession planes, height and length.

(iii) Traffic Effects:

The safe and efficient movement of all traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not affect adversely normal traffic flows on the road, or cause a traffic hazard. Provision should also be made for pedestrians.

The proposal should comply with the parking and access controls contained in Chapter 14A.

(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 will be required to ensure that any adverse effects of the proposal are kept within the site concerned. This may include landscaping of any on site parking areas. Landscaping may also be used to soften the impact of any building upon the surrounding area, adjacent sites and buildings, or to screen private living and service courts.

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

(b) Residential development of 3 or more dwelling houses on sites located outside the Medium Density Residential area.

(i) In addition to the above, on any site located outside the Medium Density Residential area consideration shall be given to:

(a) 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.

(b) Whether there is a recorded flood risk associated with the site.

(c) The capacity of the City's infrastructure to service additional development on the site.

(c) The removal of vegetation in excess of 500m² or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.

(i) Amenity Values:

The extent to which the proposal will affect adversely the visual amenity values of the site and surrounding area. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.

(ii) Site Stability:

The adverse effects upon the stability of the site caused by the removal of trees or vegetation.

(iii) The Intrinsic Values of Ecosystems:

The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area.

(d) Health care service with a maximum of 4 practitioners.

(i) Amenity Values:

The extent to which the proposal will affect adversely the amenity values of the surrounding residential area.

(ii) **Traffic Effects:**
The extent to which the proposal will affect adversely the safe and efficient movement of all traffic. It should be demonstrated that traffic generation and vehicles leaving and entering the site will not affect adversely the normal traffic flows on the road, or cause a traffic hazard. Provision should be made for pedestrians.

(iii) **Landscaping:**
The extent to which landscaping is incorporated within the overall proposal to mitigate adverse effects, which may arise.
A landscape plan will be required to ensure that any adverse effects of the proposal are mitigated. This should include landscaping of any on site parking areas.

(e) Accessory buildings on legal road.

(i) **Amenity Values:**
The extent to which the proposal affects adversely the amenity values of the surrounding residential properties, including the amount of earthworks required, loss of vegetation, design and appearance of buildings. All such buildings must be painted.

(ii) **Traffic Effects:**
The extent to which the accessory building will affect adversely the safe and efficient movement of traffic on the road. It should be demonstrated that the accessory building and vehicles using the accessory building shall not create a traffic hazard.

(f) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.

(i) **Amenity Values:**
Consideration shall be given to the amenity values of the site and in particular any adverse effects on the amenity values of residents in Stokes Valley and the impact on amenity values when the forestry is harvested. Details of any remedial work may form part of any conditions of consent

(ii) **Traffic Effects:**
The safe and efficient movement of all traffic needs to be ensured. All harvested logs shall be taken out through to Reynolds Bach Drive. No logs shall be taken out through Stokes Valley or directly on to Eastern Hutt Road.

(g) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:
- The risk to people of exposure to the erosion hazard; and
- Any mitigation measures that are proposed.

(h) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:
- The risk to people of exposure to the flood hazard; and
- The flood hazard effects for land, buildings and structures off-site.

(i) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m² or with a setback less than 20m from a flood protection structure.

- Proximity of buildings and structures to flood protection structures;
- Adverse effects of the flood hazard on buildings and structures and on flood protection structures; and
- The risk to people of exposure to the flooding and erosion hazard.

(j) Child care facilities for more than 5 children and up to a maximum of 30 children.

The presumption of non-notification in Rule 17.2.2 does not apply to this rule.

(i) Site Layout and Landscaping

Consideration shall be given to whether the site layout and any proposed landscaping ensure adverse effects will be retained within the site, thus avoiding or minimising impacts on the adjacent roadway or adjacent residential sites.

(ii) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian traffic hazard.

The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.

(iii) Parking Effects

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.

The proposal should comply with the parking and loading controls contained in Chapter 14A.

(iv) Noise

The proposal should comply with the maximum noise levels specified in Chapter 14C Noise.

With respect to non-compliances, consideration shall be given to any method or measure proposed to mitigate adverse noise effects of the proposal.

(k) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which:

- do not comply with any of the following Permitted Activity conditions: 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A 2.1.1 (z) Tertiary Education Precinct (excluding The Maximum Height of Buildings and Structures 4A 2.1.1 (z) (iii)); and
- do not exceed 12m in height

(i) Amenity Values

The extent to which the proposal would affect adversely the amenity values of the surrounding residential area, including:

- (1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.

- (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
 - (ii) Design, External Appearance and Siting
 - (1) The extent to which building bulk, scale and siting of the proposal is compatible with the scale of buildings in the neighbourhood.
 - (2) The extent to which building, bulk, scale and siting of the proposal does not dominate the adjacent Petone Recreation Ground.
 - (iii) Streetscape Effects

The extent to which the proposal would adversely impact on the streetscape of the area.
 - (iv) Landscaping and Screening
 - (1) The location, nature and degree of proposed landscaping.
 - (2) The location, nature and screening of outdoor storage, servicing and parking areas, including their visibility and relationship to adjoining residential sites and visibility from any public space.
- (I) All ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.**
 - (i) Amenity Values

The extent to which the proposal would affect adversely the amenity values of the surrounding residential area, including:

 - (1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.
 - (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
 - (ii) Design External Appearance and Siting
 - (1) The extent to which building bulk, scale and siting of the proposal is compatible with the scale of buildings in the neighbourhood.
 - (2) The extent to which building, bulk, scale and siting of the proposal does not dominate the adjacent Petone Recreation Ground.
 - (iii) Streetscape Effects

The extent to which the proposal would adversely impact on the streetscape of the area.
 - (iv) Landscaping and Screening
 - (1) The location, nature and degree of proposed landscaping.
 - (2) The location, nature and screening of outdoor storage, servicing and parking areas, including their visibility and relationship to adjoining residential sites and visibility from any public space.
 - (v) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.

The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.

(vi) Parking Effects

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.

The proposal should comply with the parking and loading controls contained in Chapter 14A.

(vii) Noise

The proposal should comply with the maximum noise levels specified in Chapter 14C Noise.

(m) Housing for the Elderly within the area identified in Appendix 21:

(i) Temporary Construction Effects

Consideration shall be given to the potential construction effects arising from the establishment of a retirement village on the site. This includes the potential construction noise, traffic, dust, sediment runoff and vibration effects.

(ii) Design Guide

Consideration shall be given to the degree to which the proposal adheres to the Design Guide for Medium Density Housing (Appendix 19).

(iii) Traffic Generation Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.

(iv) Parking Effects

The extent to which the proposal appropriately provides for the vehicle parking needs of the activity, without adversely affecting the vehicle parking requirements of the surrounding ar

(v) Natural Hazards

The extent to which the proposal addresses the flood risk to the site, including ensuring that the floor level of any habitable space is constructed above the 1:100 year flood level for Parkway Drain.

(vi) Geotechnical Matters

The extent to which the proposal addresses any geotechnical limitations on the site.

(vii) Amenity Values

The extent to which the proposal would adversely affect the amenity values of the surrounding residential area, including:

- The effect of buildings and structures on neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings;
- Whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties;
- The effect on the amenity values of adjoining residential and recreational land caused by the removal of trees from the site; and

- The mitigation measures necessary, including landscape planting, to mitigate the adverse effects of loss of trees from the site and to assist the integration of the proposed development within the site and neighbourhood.

(viii) Pedestrian Connection

Provision for paved pedestrian pathways that are safe, separate from vehicle lanes wherever practicable, incorporate night lighting, are suitable for use by elderly persons and which provide connection between the site and available public bus routes.

(n) Housing for the Elderly within the area identified in Appendix General Residential 22

The presumption of non-notification in Rule 17.2.2 does not apply to this rule.

The heading for each class of effects listed provides the scope of the discretion to address any effect of the development in that class. The rest of the text draws attention to particular aspects of that class that will need to be carefully considered. The activity must also meet the standards or conditions in 4A 2.3 (m)

(i) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard, with effects on Boulcott School to be specifically addressed. Provision should also be made for pedestrian access.

(ii) Parking Effects

The extent to which the proposal appropriately provides for the vehicle parking needs of the activity, without adversely affecting the vehicle parking requirements of the surrounding neighbourhood, as demonstrated through the provision of a parking management plan.

(iii) Construction Effects

Consideration shall be given to potential construction noise, traffic, access routes, dust, sediment runoff and vibration effects on the immediate residential area, including Boulcott School and Kindergarten. This consideration shall include:

- (a) Consistency with NZS 6803:1999;
- (b) Consistency with BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites;
- (c) The provision of a construction traffic and parking management plan;
- (d) The provision of a construction noise management plan;
- (e) The provision of a communication and liaison plan.

(iv) Urban Design Effects, Architectural Treatment, Effects on Amenity and Character Values and Wind Effects

(a) The extent to which the proposal would adversely affect the amenity and character values of the surrounding residential and recreational area, including:

- i. The effects of buildings and structures on neighbouring and surrounding residential and recreational sites, Boulcott School and Boulcott Kindergarten, and, in particular, the location, design, appearance, bulk, spacing and articulation of buildings; and

- ii. Whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties and Boulcott School.
 - iii. The degree to which the proposal meets the Design Guide for Medium Density Housing (Appendix 19).
- (b) The degree to which policies 4A 1.2.1 (l) and (m) are met.
- (c) Consideration shall include onsite amenity, including the management of onsite wind effects.
- (v) Landscape Effects and Landscape Design
 - Special consideration should be given to landscape design that manages the visual impact including on edges where existing vegetation affords privacy.
- (vi) Noise Effects
 - Consideration shall be given to potential operational noise effects.
- (vii) Infrastructure Provision including Infrastructure Capacity and Capability and Stormwater Management
 - Consideration shall be given to:
 - (a) The capacity of the pump station and provision of a pump station emergency management plan.
 - (b) The capacity within stormwater pipework from both within the site and Hathaway Avenue, including overland flow paths from Hathaway Avenue.
 - (c) The provision of a secondary flow path along the stopbank and serving Hathaway Avenue.
 - (d) The provision of a 100-year piped stormwater system and secondary flow path to serve 18 to 28A Hathaway Avenue.
 - (e) Final design for fire water meeting the appropriate Wellington Water regional water standard.
- (viii) Natural Hazards
 - (a) The extent to which the proposal addresses the following risks to the site:
 - i. Liquefaction;
 - ii. Fault rupture;
 - iii. Residual flood risks above a 1 in 100 year flood or stopbank breach or failure.
 - (b) Ensuring that the ongoing structural integrity of the flood protection system is not compromised.
 - (c) Addressing Emergency Evacuation Planning.
- (ix) Effects on Tangata Whenua Values
 - Consideration shall be given to the extent to which the proposal addresses tangata whenua values, including through the provision of cultural impact assessments.
- (x) Effects on Archaeological Values
 - Consideration shall be given to any adverse effects on archaeological sites.
- (xi) Positive effects arising from provision of Housing for the Elderly in a comprehensively planned development.

4A 2.3.2 Other Matters

For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) - (n).

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

For Restricted Discretionary Activity (l): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) – (n). For Permitted Activity Conditions (b) – (g) any reference to the term “net site area” shall be replaced with the term “site”.

For Restricted Discretionary Activity (m): Permitted activity conditions in Chapter 14 General Rules, specifically including Condition 14C2.2.1 (b) relating to operational noise, shall be complied with (or resource consent sought).

4A 2.4 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted, Controlled or Restricted Discretionary Activity, which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) Visitor accommodation.
- (c) Marae.
- (d) Places of assembly.
- (e) Education facilities.
- (f) Emergency facilities.
- (g) Dairies with a Gross Floor Area of less than 100m².
- (h) Health care services with more than 4 practitioners
- (i) On the Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1) the erection of any new buildings or additions to existing buildings on the site.
- (j) Residential facility accommodating 11 or more persons.
- (k) Detention facilities.
- (l) Boarding houses.
- (m) Residential development of 3 or more dwelling houses on any site located within Petone, Alicetown, Eastern Bays and Moera General Residential Activity Areas and Medium Density Residential Areas as shown in Appendix 17.
- (n) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the Maximum Height of Buildings and Structures in 4A 2.1.1 (z) (iii) Tertiary Education Precinct or any other relevant Permitted Activity Conditions including the relevant requirements of Chapter 14 – General Rules, and which are not identified as a Restricted Discretionary Activity under Rule 4A 2.3.1 (j).
- (o) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the relevant Permitted Activity conditions including the relevant requirements of Chapter 14 – General Rules.
- (p) Housing for the Elderly on the site shown in Appendix General Residential 22 that does not comply with the standards for restricted discretionary classification.**

4A 2.4.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in Sections 104 and 105, and Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.
- (c) With respect to residential development of 3 or more dwelling houses consideration shall be given to:
 - (i) How the proposal addresses the Design Guide for Medium Density Housing (Appendix 19).
 - (ii) The adverse effects on the amenity values of both adjacent properties and the surrounding residential area, including:
 - Whether the proposal will cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
 - Whether the form, scale and character of the proposal is compatible with residential development of the surrounding area.
 - Whether the proposal maintains or enhances existing streetscape.
 - (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.
 - (iv) Whether there is a recorded flood risk associated with the site.
 - (v) The capacity of the City's infrastructure to service additional development on the site.

4A 2.5 Non-Complying Activities

- (a) All other activities not listed as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity.

4A 2.6 Other Provisions

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

4A 3 Anticipated Environmental Results

- (a) Maintenance and enhancement of residential characteristics and amenity values.
- (b) Higher density forms of development located in areas suited to such development.
- (c) Protection of amenity values from adverse effects of higher dwelling densities.
- (d) Opportunity for home occupations to be carried out within the residential environment.
- (e) Opportunity for non-residential activities and development to be carried out.

- (f) Opportunity provided for the establishment and continuance of educational establishments within the City.
 - (g) To protect buildings and structures from potential erosion and flooding of land by the Hutt River.
 - (h) The scale, size and location of buildings and structures will have adverse effects which are no more than minor on flood protection structures.
 - (i) The adverse effects on buildings and structures in the Primary and Secondary River Corridors will be avoided or mitigated.
-

Attachments:

- [Add Appendix General Residential 22 which identifies the Site](#)
-

Map Amendments:

- [Change Activity Area of the Site from General Recreation Activity Area to General Residential Activity Area](#)
- [Remove Secondary River Corridor annotation from the Site](#)

14A Transport

14A(iv) 2 Rules

14A(iv) 2.1 Permitted Activities - Conditions

(a) Loading and Unloading Requirements:

Every owner or occupier in all activity areas who constructs, substantially reconstructs or changes the use of a property, shall make adequate provision on the site for the loading of or unloading from vehicles of all goods and materials associated with the activity. No servicing activity may take place on road reserve.

For residential developments having fewer than 20 dwelling units or accommodating fewer than 20 residents, for all residential development in the Central Commercial Activity Area, and for network utility operations on sites less than 200m² or for unstaffed network utility sites, the requirements of Chapter 14A - Transport, 14A(iii) Car Parking requirements are deemed sufficient.

For housing for the elderly on the site in Appendix General Residential 22, adequate provision for loading and unloading shall be space for a medium rigid truck to park adjoining the main retirement village building.

(b) Loading and Unloading Requirements for Non-Residential Activities:

For retail and industrial activities (except in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts in the Central Commercial Activity Area), the number of loading spaces to be provided shall not be less than the following requirements:

Table 7 - Loading Space Requirements:

Gross Floor Area	No. of Spaces	Minimum Design Vehicle
Under 2000m ² GFA	1	Maximum rigid truck
2000 - 4000m ² GFA	1	Maximum articulated truck Plus 1 Maximum rigid truck
more than 4000m ² GFA	1	Maximum articulated truck Plus 2 Maximum rigid truck

For all other types of non-residential activity (including retail and industrial activities in the Central Commercial Activity Area), one loading space shall be provided in accordance with the design requirements in 14A(iv) 2.1(c).

(c) Design Requirements:

- (i) Loading spaces for light vehicles shall be a minimum of 6.0 metres long, 3.0 metres wide and 3.2 metres high.
- (ii) Loading platforms for heavy vehicles shall have a minimum width of 4.0 metres and minimum length of 8.5 metres, in addition to the space required for the vehicle. Where side loading or mechanical handling methods are proposed, additional space shall be provided in accordance with the particular methods and equipment contemplated.

...

Appendix Transport 3

Minimum Parking Standards

ACTIVITY	PARKS	UNIT
<p>RESIDENTIAL</p> <p>Existing single unit</p> <p>New single unit</p> <p>Historic Residential</p> <p>Home occupation</p> <p>3 or more dwelling houses on any single site in the Residential Activity Areas</p> <p>Hostels, housing for the elderly</p> <p>Residential facility for 8 - 10 persons</p> <p><u>Housing for the Elderly on the site in Appendix General Residential 22</u></p>	<p>1</p> <p>2</p> <p>1</p> <p>1 (in addition to dwelling)</p> <p>1</p> <p>1 and 0.1 and 0.8</p> <p>3 if contained in an existing building (or buildings)</p> <p>4 if contained in a new building (or buildings)</p> <p><u>1</u></p> <p><u>1</u></p> <p><u>2</u></p>	<p>dwelling</p> <p>dwelling</p> <p>dwelling</p> <p>home occupation</p> <p>dwelling</p> <p>staff member res. <18 yrs res. 18 yrs and over</p> <p>facility</p> <p>Facility</p> <p><u>Per villa and apartment</u></p> <p><u>Per every 5 villas, apartments, care apartments and care beds</u></p> <p><u>Per 3 staff on duty</u></p>
<p>EDUCATION</p> <p>Child care facilities, primary and intermediate schools</p> <p>Secondary schools</p> <p>Tertiary Education Precinct (as shown on Appendix General Residential 20 and Appendix General Business 5)</p>	<p>1</p> <p>1 and 0.1</p> <p>1</p>	<p>staff member</p> <p>staff member student 16 yrs and over</p> <p>[(1 parking space per 1.33 staff members + 1 parking space per 2.5 students) – 300] ÷ 0.76</p>
<p>...</p>		

Appendix 2

PC 35 - Hearing Panel Changes to the Notified Private Plan Change Request

The following document shows Chapter 4A General Residential Activity Area and Chapter 14A Transport (partly) as amended by the private plan change request **and** by the recommended decision of the Hearing Panel.

The amendments proposed by the private plan change request are shown as

- *italics underlined* where the hearing panel has accepted them and
- ~~*italics struck through*~~ where the Hearing Panel has deleted them.

Any additional text added by the Hearing Panel's recommended decision is shown as underlined.

4A General Residential Activity Area

4A 1 Issues, Objectives and Policies

4A 1.1 Local Area Issues

4A 1.1.1 Residential Character and Amenity Values

Issue

Residential dwellings and activities, subdivision patterns, open space, vegetation and a general absence of non-residential, or large scale commercial or industrial operations, all contribute to the residential character and amenity values associated with the general residential areas of the City. It is important that activities are managed to ensure residential character is retained, and amenity values are maintained and enhanced.

Objective

To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.

Policies

- (a) That opportunity be provided for a diversity of residential activities.
- (b) To restrict the range of non-residential, and commercial activities to those which will not affect adversely the residential character or amenity values.
- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.
- (f) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the intrinsic values of ecosystems.

Explanation and Reasons

Residential dwelling houses and activities, open space, existing subdivision patterns and a general absence of large scale commercial and industrial activities all contribute to the residential character and amenity values associated with the General Residential Activity Area.

Non-residential, commercial or industrial activities and inappropriate subdivision have the potential to alter the character of the residential environment, and affect adversely the amenity values associated with a particular area. The adverse effects of these activities will be managed through the use of lists of activities and rules.

Residential dwellings and activities will be permitted with minimum conditions specified.

General commercial and industrial activities will be discouraged from locating within a residential environment. Adverse effects upon amenity values caused by noise, dust, glare, light spill and odour will also be managed through the use of rules.

It is necessary to control the clearance of vegetation to protect visual amenity values and the intrinsic values of ecosystems.

4A1.1.2 Medium Density Residential Development

Issue

The Plan seeks to provide opportunity for higher dwelling densities where adverse effects on the surrounding residential environment are managed, and amenity values are maintained and enhanced. Such opportunity should be provided along major transport routes, around some commercial centres, and where amenity values will not be affected adversely. ~~In the case of housing for the elderly where retirement villages comprise a range of housing types, conventional measures of density based on household dwelling units are inappropriate.~~

Objective

To ensure opportunity is made for medium 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.
- (b) To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.
- (c) That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (Appendix 19) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.
- ~~(d) That development and use of housing for the elderly is enabled on the site shown in Appendix General Residential 21 provided that the design is consistent with the Retirement Village Design Guide and the adverse effects of transportation and construction effects are avoided, remedied or appropriately mitigated.~~

Explanation and Reasons

Opportunity will be available for higher dwelling densities along major transport routes, around some commercial centres, and in the residential area between Jackson Street and The Esplanade, Petone, where existing residential dwelling densities are higher, and where amenity values will not be affected adversely.

This will encourage the use of public transport, promote the efficient use of resources, and takes into account the changing nature of the city's population.

These areas have been specifically chosen, as allowing densities to increase in all residential areas of the City may affect the character and amenity values associated with particular areas.

The Plan will manage the effects of medium 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 the Design Guide. The

aim is to provide for the intensification of land use, which is well designed and integrated with existing infrastructure, within the urban areas.

~~Due to the realignment of the Hutt River stop-bank and associated changes to the layout of the Boulcott's Farm Heritage Golf Course, this green-field site is now protected from flooding of the Hutt River and is surplus to golf club requirements. Maintaining a recreation zoning would not enable reasonable use of the land. Commercial and industrial development would be inappropriate, leaving residential development as the only realistic option. Given the size of the site it is considered suitable for housing for the elderly in the form of a comprehensively designed retirement village.~~

~~Retirement age households are the largest growth sector in Hutt City. There is also a significant shortage of suitable and appropriately located green-field sites or brownfield sites of appropriate size and location upon which to develop the range of accommodation, facilities and services that are necessary and desirable for the elderly. However, the General Residential Activity Area does not effectively anticipate, promote or provide for housing for the elderly or the height required for the efficient development of main retirement village care buildings and apartments.~~

~~For the above reasons, site specific provision for housing for the elderly is required. Housing for the elderly development is therefore provided for on this site as a Restricted Discretionary Activity to enable site layout, landscaping, retirement amenity, external building design, external appearance and streetscape effects to be assessed using a Site Specific Retirement Village Design Guide. In addition, off site transportation effects and village construction effects are to be assessed.~~

~~The relevant General Residential Activity Area building conditions will apply. However, a restricted part of the site has been identified for more intensive building development, including the 3 and 4 storey main care buildings that are a necessary and desirable part of a modern, efficient and sustainable full care retirement village. This nature and scale of building development will maximise the extent to which the City's need for significantly more housing for the elderly can be met on this scarce land resource and enable more elderly residents to enjoy the amenity and views over the adjoining stop-bank and across the golf course.~~

4A 1.1.3 Home Occupations

Issue

Many people want to work from home. Provision for such activities to occur within a residential environment requires that the adverse effects are managed, to ensure amenity values are maintained and enhanced, and residential characteristics are retained. Such adverse effects may arise from their nature, scale, exterior appearance, advertising, and potential for increased traffic movements, noise, dust, odour, and electrical interference.

Objective

To avoid, remedy or mitigate adverse effects of home occupations on residential character and amenity values of the residential environment in which they are located.

Policies

- (a)** To allow home occupations, where the adverse effects on the surrounding residential area are managed, and the residential characteristics of the site and buildings are maintained. Such adverse effects may be caused by the appearance of the site and building, nature, scale, traffic, noise, dust, electrical interference, and the potential to alter the residential character of the house, site or surrounding area.
- (b)** To manage the adverse effects of signs associated with home occupations, taking into account their size, location, appearance, frequency, number and lighting.

Explanation and Reasons

The residential areas of the City are seen not only as a place to live, but ones in which to work as well. For many residents the home offers a positive working environment. As technology advances, it is becoming easier to conduct businesses from home.

Home occupations can cause the loss of residential character, or affect adversely the amenity values and physical appearance of the site, building and surrounding residential environment. This can be caused by their nature and scale, noise, dust, odour, vehicle and pedestrian activity.

Appropriate conditions have been specified in the Plan to manage the adverse effects of home occupations. Provided these conditions are met, home occupations will be permitted activities.

4A 1.1.4 Non-Residential Activities

Issue

Non-residential activities in residential areas can support residential activities and provide social and economic benefits to the community. Such activities can also have significant adverse effects upon surrounding residential properties. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced.

Objective

To ensure that any adverse effects of non-residential activities on the character and amenity values of surrounding residential areas are avoided, remedied or mitigated.

Policies

- (a) To ensure that any adverse effects caused by the size, scale and nature of non-residential activities, and any associated storage of hazardous substances, light spill, noise, glare, vehicle and pedestrian activity upon surrounding residential properties, are avoided, remedied or mitigated.
- (b) To control the number of signs, and ensure that any adverse effects of sign location and appearance on surrounding properties, are avoided, remedied or mitigated.
- (c) To recognise that Site Management Plans may be appropriate to manage matters beyond those addressed in the Plan.
- (d) To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effects on the residential environment, particularly the character and amenity values of the neighbourhood.

Explanation and Reasons

There are many activities which are non-residential in nature, but which are essential to allow residents to provide for their social, economic, and cultural well being. These include education facilities ranging from child care facilities and pre-schools to tertiary facilities, places of assembly, medical and emergency facilities, and small retail activities to provide for daily needs of residents.

One principal non-residential activity is the Wellington Institute of Technology (“WelTec”) in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. This tertiary education facility is recognised as making an important contribution to the economic and social wellbeing of the city and wider region. To recognise the location of the existing campus and the role, nature and activities of the tertiary education facility, it is identified and managed within the District Plan as a ‘Tertiary Education Precinct’. The purpose of the Precinct is to provide for the ongoing use and development of the campus within the boundaries of the Precinct to meet future tertiary

education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

It is expected that the precinct will function as a boundary for the containment of tertiary education activities to protect the residential neighbourhood from encroachment of non-residential development. Future expansion of the Precinct is not prohibited but any extension would require a change to the District Plan.

In recognition of the existing environment in which the campus is located, the Tertiary Education Precinct retains the underlying zoning.

Most of the Campus is located within the General Residential Activity Area, while a smaller part is located within the General Business Activity Area.

Non-residential activities can have adverse effects on the amenities of surrounding residential properties, and can alter the residential character of the area in which they are located. Adverse effects may arise due to the appearance of the building and site, layout of the site, noise, storage of hazardous substances, light spill, glare, vehicle and pedestrian movements. Specific additional controls are provided for in the Tertiary Education Precinct where the precinct boundary abuts residential activities within the General Residential Activity Area.

In the General Residential Activity Area opportunity will be made for a range of non-residential activities where adverse effects can be managed.

Where retail activity is provided for in the General Residential Activity Area, it is intended that this be for the purposes of providing for the daily needs of residents, and not for the purposes of general retailing.

A Site Management Plan is one method available to address matters of protocol and procedure between neighbours, interest groups and non-residential activity managers. Such a Site Management Plan would be a document independent from the Plan but could be included within other formal documents for site management such as Standing Orders, Standard Operational Procedures, Operational or Business Plans, Best Practical Options, or other similar documents. A Site Management Plan may work in conjunction with relevant provisions within the Plan.

4A 1.2 Site Development Issue

4A 1.2.1 Building Height, Scale, Intensity and Location

Issue

The height, scale, intensity and location of buildings and structures can cause adverse effects upon amenity values of neighbouring properties, and the residential character of the surrounding area. It is important that such adverse effects are managed.

Objective

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Policies

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.
- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.

- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.
- (d) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.
- (e) To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.
- (f) To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.
- (g) To establish a minimum permeable surface area to assist with the sustainable management of stormwater.
- (h) That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.
- (i) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995, it is recognised that it is reasonable to permit the erection of buildings/structures (as contemplated when the title was issued or plan lodged) even though the maximum site coverage may exceed that set out in 4A 2.1.1(e). Under such circumstances the scale, intensity, visual attractiveness of buildings and/or structures as well as the adverse effects on the amenity values of adjoining properties, and the streetscape be taken into account in assessing the suitability of the development.
- (j) To ensure that the developments are in general accordance with the Design Guide for Medium Density Housing (Appendix 19) 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.
- (k) To establish specific standards for maximum height, maximum site coverage, minimum setback and recession planes, building frontages and corner sites within specific areas of the Tertiary Education Precinct to recognise the existing scale and intensity of the built development in the Precinct and to avoid, remedy or mitigate adverse effects on the amenity values of abutting residential properties and the streetscape.
- ~~(l) To establish specific standards to enable the efficient and convenient development of main buildings for housing for the elderly on the site in Appendix General Residential 21.~~
- (l) To enable a comprehensively designed Housing for the Elderly development, within the area identified in Appendix General Residential 22, that demonstrates positive, varied and visual interest in the form and layout of the development, while ensuring that development achieves the following:
 - (i) Development adjacent to a Residential Activity Area boundary is compatible with the scale, location and form of development on the existing Residential Activity Area properties;
 - (ii) Development adjacent to the Boulcott School boundary is of a scale and form that responds to the existing scale and intensity of development on the school site;
 - (iii) In achieving (i) to (ii) above, development should be planned and designed, constructed and managed in a manner that contributes to a positive relationship to its neighbours through good urban design.
- (m) To enable, for a development where (l) applies, larger buildings and buildings taller than the permitted height of 8m in the General Residential Activity Area to recognise

the large site and the opportunity to take advantage of views across the Lower Hutt Golf Course from the edge of the new stopbank where the layout, massing, arrangement and design of all buildings is demonstrated in a comprehensive development to achieve:

- (i) All aspects of policy (l) above;
- (ii) An appropriate urban design response to the wider context so that the coherence of the adjoining neighbourhood's urban form is not adversely affected to an inappropriate degree;
- (iii) Appropriate visual permeability across the site;
- (iv) An attractive and well designed edge treatment when viewed from the new stopbank and avoids buildings that have inappropriate length or mass.

Explanation and Reasons

All buildings and structures have the potential to affect adversely the amenity values of adjacent sites if their height, location, intensity and scale is not managed.

Buildings can unnecessarily shade an adjacent property, or be out of scale with adjacent buildings if they are too tall, and can dominate adjacent sites if they are located too close to a site boundary without some control on their length.

They also have the potential to affect adversely the character and amenities of the surrounding residential area. New development may be out of scale with existing development, or affect adversely the visual amenity value of the streetscape, if the height, location and intensity of all buildings and structures is not managed.

In order to ensure that amenity values and residential character are maintained and enhanced, and that adverse effects are managed, minimum conditions are specified.

(a) Net Site Area

Within the General Residential Activity Area medium density residential development is encouraged to preserve the overall open character. In addition, where provision is made for 3 or more dwellings on a site no minimum net area is required.

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.

(b) Site Coverage

Combined with net site area, site coverage helps to control building density. A maximum acceptable site coverage of 35% has been set. Where higher density residential development is encouraged, this maximum site coverage has been set at 40% to allow more intensive use of the site, while protecting residential amenity values.

Within the Tertiary Education Precinct, a maximum site coverage of 60% has been set for the area on the western side of Kensington Avenue, recognising the existing nature, scale and intensity of activities and development within the core of the campus. A 40% maximum site coverage standard applies to the areas in Udy Street, Elizabeth Street while for the eastern side of Kensington Avenue the underlying 35% site coverage applies.

(c) Recession Plane

The recession plane ensures some sunlight and daylight are available to adjoining sites when a building is erected, and manages the bulk of buildings above a certain height. Compliance with the angle from the street boundary is necessary to ensure the amenity values of the streetscape are maintained and enhanced.

Within the Tertiary Education Precinct, a specific recession plane requirement applies to the southern boundary of the area in Kensington Avenue (both sides), which abut

residential properties in the General Residential Activity Area, to ensure buildings are set back and are of a height to protect neighbouring residential properties from excessive shading and building dominance.

The standard recession plane requirement applies to other boundaries within the Precinct which adjoin the General Residential Activity Area. However, the recession plane requirement does not apply to internal boundaries within the Tertiary Education Precinct as such effects are internalised within the campus.

(d) Yards

The yard spaces provide space around dwellings and accessory buildings to ensure the visual amenity values of the residential environment are maintained or enhanced, to allow for maintenance of the exterior of buildings, and provide a break between building frontages.

The front yard space is to ensure a setback is provided to enhance the amenity values of the streetscape, and to provide a reasonable degree of privacy for residents.

Within the Tertiary Education Precinct area, a specific minimum yard requirement applies to the southern boundary of the area in Udy Street and Kensington Avenue (both sides), which abut residential properties in the General Residential Activity Area, to ensure buildings are setback and are of a height to protect neighbouring residential properties from excessive shading and building dominance.

The standard minimum yard requirement applies to other boundaries within the Precinct which abut the General Residential Activity Area. However the minimum yard setback requirement does not apply to internal boundaries within the Tertiary Education Precinct as such effects are internalised within the campus.

(e) Height

Height of buildings and structures within the general residential activity area is restricted to ensure new development is not out of scale with existing buildings and structures, residential character is retained, and amenity values are maintained and enhanced.

Within the Tertiary Education Precinct, an increased maximum building height applies to the area on the western side of Kensington Avenue to reflect the height of existing buildings on the campus, and to provide for the efficient use of the land, while maintaining the character and amenity values of the surrounding area. Specific recession plane and minimum yard requirements apply to the boundaries of the Tertiary Education Precinct to protect the interface with residential properties. Within the area of the Precinct in Elizabeth Street, Udy Street and on the eastern side of Kensington Avenue, the standard maximum height limit applies.

(f) Length

The length of a building is managed to control the adverse effects of a bulky building in close proximity to a site boundary.

(g) Accessory Buildings

Accessory buildings can be used for a variety of different purposes, including vehicle storage, additional living space, workshops or home occupations. Their location on a site can cause adverse effects on the amenity values of adjoining sites or the streetscape, and it is important that these adverse effects are managed, whilst allowing an individual to make the best use of the site.

Accessory buildings shall comply with the same height, recession plane, and site coverage restrictions as those for a dwelling house.

Accessory buildings shall also be required to comply with the front yard requirement. This is to ensure the visual amenity values of the streetscape are maintained and enhanced.

Some flexibility will be provided to allow accessory buildings to encroach side and rear yard requirements where effects on adjacent properties will be minimal.

Where a site is vacant (for example in the case of greenfield subdivision), the site is being completely redeveloped, or an additional dwelling house is erected on the site, an additional set back from the street will be required where a carport or garage is to be erected perpendicular to the street. This is to enable a vehicle to park in front of the garage, and be off the street, and for convenience and maintenance of both the vehicle and the building. It is also required for safety reasons, - visibility for the driver and pedestrians when cars enter or exit the site.

(h) 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.

(i) Building Frontages and Corner Sites

Within the Tertiary Education Precinct specific standards apply in relation to Building Frontages and Corner Sites to ensure that any new development addresses the residential interface and effects on the streetscape by creating active street frontages and avoiding blank and featureless walls and facades at ground level.

~~**(j) Appendix General Residential 21**~~

~~*It is necessary and desirable that specific maximum building height and bulk and location standards are provided for part of this greenfield site to enable main retirement village buildings to be constructed to an appropriate scale and extent. This will result in the efficient utilisation of this scarce land resource.*~~

4A 1.2.2 Effects of the Hutt River Flood Hazard

Issue

Areas not protected by flood protection structures are at a risk of flooding by the Hutt River. The size, scale and location of buildings and structures need to be managed to avoid or mitigate adverse flood hazard effects.

Objective

To avoid or mitigate adverse flood hazard effects on existing and new development within areas susceptible to a 100-year flood event from the Hutt River.

Policies

- (a)** To ensure that all buildings and structures on sites immediately adjacent to the Hutt River (see Planning Map E3) are appropriately located to avoid damage from erosion hazards of the Hutt River.
- (b)** To ensure that all buildings and structures (including additions that are more than minor to existing buildings and structures) on sites identified within the 100-year flood extent have floor levels constructed above the 1 in 100-year flood event.
- (c)** To establish a maximum limit on area for additions to the gross floor area of existing buildings or structures as at 1 March 2005 on sites identified within the 100-year flood extent.
- (d)** That minor additions (not more than 20m²) to existing buildings and structures on sites identified within the 100-year flood extent are permitted.
- (e)** That all buildings and structures do not create adverse flood hazard effects for other land, buildings and structures off-site.

- (f) That new accessory buildings on sites identified within the 100-year flood extent are permitted, subject to a maximum gross floor area.
- (g) To discourage the siting of buildings and structures in the Primary and Secondary River Corridors.
- (h) To ensure that buildings and structures in the Primary or Secondary River Corridor of the Hutt River have no more than minor adverse effects on flood protection structures.
- (i) To mitigate the effects of flood hazards on building and structures in the Primary and Secondary River Corridors by managing their location, size and scale.
- (j) That any remaining risk that arises will be dealt with by emergency management procedures and other voluntary actions.

Explanation and Reasons

In established areas of the Hutt River corridor and floodplain it is accepted that appropriate development must be able to continue, although landowners and developers will be expected to reduce flood hazard effects to an acceptable level. These effects are described in the Hutt River Floodplain Management Plan. Buildings and structures need to be located so they are not in a position likely to subside as a result of erosion or flooding, damaging other buildings and structures such as flood protection structures in the river corridor.

Buildings and structures in the Primary or Secondary River Corridor of the Hutt River could adversely affect flood protection structures. Buildings and structures in the river corridor will also be subject to effects of fast flowing water, deep flooding and erosion. The outcomes identified in the Hutt River Floodplain Management Plan are relevant and should be taken into account in any assessment of effects. It is important that buildings and structures are discouraged in the Primary and Secondary River Corridors. It is therefore appropriate to control the location of buildings and structures.

In order to ensure that flood hazard effects are managed, minimum conditions are specified.

Emergency management procedures and other voluntary actions will be initiated in the event of severe flooding in an effort to minimise the damage to properties and prevent injury and loss of life to people.

(a) **Building Setback Line**

A building setback line (see Planning Map E3) has been established to ensure that all buildings and structures on properties immediately adjacent to the Hutt River are not located in a position where they are at risk from erosion by the Hutt River. Land on the riverside of the line could be subject to erosion over time due to the flow, velocity and meander patterns of the Hutt River. Buildings and structures on the riverside of the line require a resource consent. Buildings and structures on the landward side of the line that comply with the Permitted Activity Conditions for the General Residential Activity Area do not require a resource consent. At Belmont, erosion protection works have been undertaken on the riverside of the building setback line. These works have substantially increased the protection to Belmont from erosion. The remaining level of risk from erosion is now low when compared to an unprotected bank, though Council must manage this risk through appropriate rules in the District Plan and emergency management procedures.

(b) **Floor levels**

A limited number of properties in Belmont and at the entrance to Stokes Valley have been identified as being within the 100-year flood extent (see planning maps D3, E3, G1). These properties are not protected by stopbanks. All buildings and structures, including additions that are more than minor, are required to have floor levels constructed above the 1 in 100-year flood event. This floor level is to minimise the flood hazard effects to buildings and structures up to a 100-year flood event. Council must manage the flood risk through appropriate rules in the District Plan and emergency management procedures.

Minor additions to existing buildings and structures not in excess of 20m² gross floor area are permitted at existing floor levels for properties within the 100-year flood extent. New accessory buildings not in excess of 20m² gross floor area are also permitted. The 20m² threshold relates to a desire to permit some building as of right without the need to require a raised floor level. In setting the 20m² limit Council needed to determine at what point the potential adverse effects of the buildings, on the flood hazard should be considered. It is considered that allowing development of 20m² would not significantly increase the flood hazard risk.

4A 2 Rules

4A 2.1 Permitted Activities

- (a)** Dwelling houses.
- (b)** Home occupations.
- (c)** Child care and Kohanga Reo facilities.
- (d)** Residential facility accommodating 8 - 10 persons.
- (e)** Accessory buildings to the above permitted activities.
- (f)** Within the Tertiary Education Precinct (as shown on Appendix General Residential 20), in addition to the above (a) to (e):
 - (i)** Principal tertiary education activities
- (g)** Corner of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, (identified in Appendix General Residential 1), in addition to the above (a) to (e):
 - (i)** Residential accommodation and boarding facilities.
 - (ii)** Visitor accommodation.
 - (iii)** Conference facilities.
 - (iv)** Places of assembly.
 - (v)** Marae.
- (h)** 95 and 97 Cuba Street, Lot 18 DP 709, (identified in Appendix General Residential 2), in addition to the above (a) to (e):
 - (i)** Repair restoration and sale of second hand goods.
 - (ii)** Parking associated with the sale of second hand goods.
- (i)** Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3), and the Moores Valley Road Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4), in addition to the above (a) to (e):
 - (i)** Plant propagation, and associated office functions and buildings.
 - (ii)** The storage and non-mechanical maintenance of equipment for the purposes of maintaining parks and reserves.
- (j)** 374 - 378 Stokes Valley Road, Stokes Valley, Lots 232, 233 and 234 DP 8382; 26 Buick Street, Petone, Lots 173 and 174 and Pt Lot 175 DP 1232 and Lot 42 DP 1533; 42 Fitzherbert Road, Wainuiomata, Section 32 Lowry Bay District; and 4 Makaro Street, Eastbourne, Lot 3 DP 55283, (identified in Appendix General Residential 5), in addition to the above (a) to (e):
 - (i)** Emergency facilities.

- (k) Pt Sec 30 Hutt District located on the western side of the Wairarapa Railway Line between Knights Road and Wilford Street, (identified in Appendix General Residential 6), in addition to the above (a) to (e):
 - (i) Bus depot (Waterloo Bus Depot).
- (l) 214 Knights Road, Pt Lots 35 and 36 DP 1951, (identified in Appendix General Residential 7):
 - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.
- (m) 190 Knights Road, Lot 25 DP 1951, (identified in Appendix General Residential 8):
 - (i) Retail and commercial activities within the buildings and structures existing on the site as at 5 December 1995.
- (n) Cnr Stokes Valley Road and Kamahi Streets, Lot 1 DP 55258, (identified in Appendix General Residential 9):
 - (i) Bus depot (Stokes Valley Bus Depot).
- (o) Main Road/Burden Avenue, Lot 3 DP 55256, (identified in Appendix General Residential 10):
 - (i) Bus depot (Wainuiomata Bus Depot).
- (p) 155-157 Waterloo Road, Lower Hutt, Lot 2 DP 82046, (identified in Appendix General Residential 11), in addition to the above (a) to (e):
 - (i) Emergency facilities
- (q) In respect of Lots 1 and 2 DP 83690 (Mandel Mews), in the 12m wide exclusion area, (identified in Appendix General Residential 12), land can only be utilised for the purpose of road reserve or a reserve created under the provisions of the Reserves Act 1977.
- (r) 20 Bellevue Road, Lot 2 DP 54165 and part of Lot 1 DP 71142 (identified in Appendix General Residential 13):
 - (i) For that part of the site identified as Transition House –
Educational activities and buildings directly associated with the existing school where the education provided includes students in transition from the school environment to the wider community, teaching of those with special needs, those requiring remedial assistance and the teaching of life skills programmes, all taking place within a residential style building.
 - (ii) For that part of the site identified as Block F –
Educational activities and buildings directly associated with the existing school.

4A 2.1.1 Permitted Activities - Conditions

(a) Net Site Area:

- (i) Minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 400m².
- (ii) On residential sites identified on the planning maps as Medium Density Residential, the minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 300m².
- (iii) Where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a stage unit plan or cross lease plan lodged with the District Land Registrar and where part of the development has been completed prior to 5 December 1995,

and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.

Compliance with all other Permitted Activity Conditions.

(b) Minimum Yard Requirements:

For all buildings on the net site area:

Front Yard	3.0m
All Other Yards	1.0m

Provided that :

- (i) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site any garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) must be a minimum distance of 5 metres from the front boundary if it has vehicular access directly from the street.
- (ii) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site where a garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) is parallel to the street, and the vehicle has the ability to turn on the site and drive off the site in a forward direction, such a set back is not required, and the normal front yard restriction shall apply.
- (iii) In all cases, for Through Sites and Corner Sites all road frontages shall be treated as front yards.
- (iv) For all yards an eave, chimney or exterior hot water cylinder may extend into any yard space by up to 0.6 metres.
- (v) One accessory building may be located in one yard except the front yard, provided that it does not extend more than 6m along the length of the boundary.

(c) Recession Planes:

For all buildings and structures, and from all site boundaries:

2.5m + 45°

See Appendix General Residential 15.

Provided the recession plane shall not apply to television aerials, flagpoles and chimneys.

Where the net site area boundary is immediately adjacent to an access leg to a rear net site area then the recession plane shall be calculated from the furthestmost or outside boundary of the access leg.

(d) Maximum Height of Buildings and Structures: 8m

Maximum overall height may not exceed 13m

See Appendix General Residential 16.

(e) Maximum Site Coverage: 35%, except where

Residential sites within this activity area that are identified on the planning maps as Medium Density Residential, maximum site coverage shall be 40%.

In the calculation of site coverage, all buildings and structures on the net site area shall be included. The eaves of a building up to a maximum depth of 0.6m shall be excluded from this measurement.

(f) Maximum Length for all Buildings and Structures:

No part of any building exceeding 20m in length may fall outside two arms meeting at a common point on the boundary and each making an angle of 20 degrees with that boundary.

See Appendix General Residential 18.

(g) Permeable Surface

A minimum of 30% of the net site area shall be of permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.

(h) Home Occupations:

A commercial occupation, craft or profession established on the same site as a dwelling, which is used for residential purposes, provided that:

- (i) Not more than three persons (at least one of whom shall live on the site as their principal place of residence) at any one time shall work on the site in relation to any home occupation;
- (ii) Home occupations shall not include:
 - the repair, alteration, restoration or maintenance of motor vehicles; and
 - courier depots.
- (iii) One parking space shall be provided for each non-residential person working on the site except where the site is within 400 metres of a public transport stop; in addition to the parking requirements for residential activities in accordance with Chapter 14A;
- (iv) No home occupation shall involve the use of trucks or other heavy vehicles;
- (v) No retail sales shall be permitted directly from the site except for goods or produce grown or produced on the site;
- (vi) Home occupations shall not involve visitors to the site between 8.00pm and 7.00am;
- (vii) Any external storage of materials associated with the home occupation shall be screened so as not to be visible from outside the site; and
- (viii) Except for vehicles occupying spaces provided for under (iii) above, no vehicles, caravans, or trailers in connection with home occupation activities shall be parked within the first five metres of the site, from the front boundary of the site, except on an access drive.

(i) Child Care and Kohanga Reo Facilities:

- (i) The maximum number of children to be cared for at any one time shall not exceed 5.
- (ii) There shall be no overnight stays.

(j) Dust:

All outside areas shall be sealed, surfaced or managed appropriately so that there is no dust nuisance at or beyond the boundary of the site.

All storage of goods, raw materials and waste materials shall be stored in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

All use of goods and raw materials shall be undertaken in such a manner so that there is no dust nuisance at or beyond the boundary of the site.

(k) Odour:

All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.

(l) Light Spill and Glare:

Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house.

All activities shall be undertaken to avoid glare (light reflection) and light spill beyond the boundary of the site.

(m) Vibration:

Any activity that would cause vibration shall be managed and controlled in such a way that no vibration is discernable beyond the boundaries of the site.

(n) General Rules:

Compliance with all matters in the General Rules - see Chapter 14.

(o) Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1):

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

All Permitted Activities may only be carried out in the existing buildings and structures on the site.

(p) 95 and 97 Cuba Street, Lot 18 DP 709 (identified in Appendix General Residential 2):

In addition to the other Permitted Activity Conditions, the following shall apply to scheduled activities on this site:

(i) The restoration and repair of second hand goods may only occur within the principal building on the site. No other buildings are permitted to be erected or used for the restoration, repair or sale of second hand goods.

(ii) These uses shall cease on removal of the existing buildings from the site.

(q) Summit Road Nursery, Lot 1 DP 20206 and Lot 34 DP 31233, (identified in Appendix General Residential 3) and at the Moores Valley Depot, 33 Moores Valley Road, Pt Lot 2 DP 88509, (identified in Appendix General Residential 4):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

(i) No retail sales are permitted directly from the site.

(ii) 20 on site parking spaces are to be provided at each location at all times. All parking to comply with the design standards in Chapter 14A.

(r) 214 Knights Road, Pt Lots 35 and 36 DP 1951 (identified in Appendix General Residential 7):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

(s) 190 Knights Road, Lot 25 DP 1951 (identified in Appendix General Residential 8):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

(t) Land south of Belmont School, Part Lot 2 Plan A2173:

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

(i) all buildings and structures must be sited within the area shown on Appendix General Residential 14, and

(ii) have a floor level set at a minimum of 13.5m above sea level.

(u) 155-157 Waterloo Road, Lower Hutt (Lot 2 DP 82046):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

- (i) That there be no storage of large items in the rear yard (including the area of the covered wash) for more than seven consecutive days; and
- (ii) That high level tower training be limited to between 8.00am and 9.00am Monday - Saturday and 6.00pm and 7.00pm Monday - Friday.

(v) 20 Bellevue Road, Lot 2 DP 54165 and part of Lot 1 DP 71142 (as shown on Appendix General Residential 13):

- (i) For that part of the site identified as Transition House, the Permitted Activity Conditions are those of the General Residential Activity Area; and
- (ii) For that part of the site identified as Block F –
 - The minimum yard requirement shall be 7.0m to the site boundary of 18A Bellevue Road (Lot 2 DP 27164) and 5.0m to the site boundary of 29 Hautana Square (Lot 2 DP 71142);
 - The maximum height of any building and structure is 5.8m; and
 - That part of the site identified by shading on Appendix General Residential 13 shall not be used for general school purposes and access to the area will be for emergency purposes only.
 - Permitted Activity Conditions (c), (e), (f), and (j) to (n) apply.

(w) Sites in Belmont that contain the building setback line (see Planning Map E3):

No part of any building or structure shall be constructed on the riverside of the building setback line.

(x) Buildings and structures within the 1 in 100-year flood extent (see Planning Maps D3, E3 and G1):

In addition to the other Permitted Activity Conditions, the following shall apply in this area:

- (i) All buildings and structures shall have a floor level above the 1 in 100-year flood level; except:
- (ii) Minor additions to existing buildings and structures are a Permitted Activity provided:
 - the floor level of additions is not below the floor level of the existing building or structure; and
 - the gross floor area of all additions does not exceed 20m² to the gross floor area of the building or structure existing as at 1 March 2005.
- (iii) New accessory buildings shall not exceed a total gross floor area of 20m².

(y) Primary and Secondary River Corridors

All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m² or less and with a setback of 20m or more from a flood protection structure.

(z) For principal tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Residential 20).

Except as outlined below, the Permitted Activity Conditions shall apply within the Tertiary Education Precinct:

- (i) For that part of the Tertiary Education Precinct in Udy Street –
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The maximum site coverage shall be 40%.
- (ii) For that part of the Tertiary Education Precinct in Elizabeth Street –
 - The maximum site coverage shall be 40%.
- (iii) For that part of the Tertiary Education Precinct on the western side of Kensington Avenue –
 - The maximum height of buildings and structures shall be 12m, except that:
 - (a) No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and
 - (b) No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The maximum site coverage shall be 60%.

Note: For the purpose of this rule “southern boundary” shall refer to any boundaries of the Precinct with Lot 1 DP 5460 and Lot 4 DP 8102.
- (iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –
 - The minimum yard requirement shall be 3m for the southern boundary.
 - The recession plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary
- (v) For all areas in the Tertiary Education Precinct -
 - Building Frontages
 - (a) The ground level road frontage of all buildings shall be located within a distance no closer than 3 metres and no further than 5.5 metres of the road boundary and shall provide at least one pedestrian entrance to the road.
 - (b) No building shall create a featureless façade or blank wall wider than 3 metres at the ground level road frontage. A featureless façade or blank wall is a flat or curved wall surface without any openings or glazing.
 - Corner Sites

On any corner site within the Tertiary Education Precinct, the main entrance to any building shall be to a primary street or at the corner. For the purpose of this rule ‘main entrance’ shall be the doorway intended for the highest rates of access and egress of people into any building, and ‘primary street’ shall be the road which is classified highest in the Rooding Hierarchy Classification Schedule in Appendix Transport 1.
- (vi) Rules 4A 2.1.1 (b) (Minimum Yard Requirements) and (c) (Recession Plane) do not apply to internal boundaries within all areas of the Tertiary Education Precinct.
- (vii) For all areas in the Tertiary Education Precinct, the following Landscaping and Screening requirements shall apply:
 - All outdoor storage and servicing areas shall be screened so that they are not visible from a road or public space. Where this is not practicable

such area must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.

- Where a site abuts a residential or recreation activity area, all outdoor storage and screening areas shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
- Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area shall be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

4A 2.2 Controlled Activities

- (a) Corner of Hutt Road and Te Mome Road, Lot 26 DP 1984, any industrial activity in the industrial building.
- (b) 10 Bauchop Road, Lot 1 DP 10377, any industrial activity.

4A 2.2.1 Matters in which Council Seeks to Control and Standards and Terms

(i) Duration of Activity:

The above provisions shall only apply to the use of the existing buildings on the site and shall cease upon the removal of the buildings.

(ii) Hours of Operation:

The hours of operation shall not exceed:

8.00am to 5.30pm Monday to Friday.

8.00am to 1.00pm Saturday.

No work on Sundays or public holidays.

(iii) Glare and Light Spill:

- Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling house in a residential activity area.
- All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.
- All activities and constructions shall be undertaken so as to avoid glare (light reflection) beyond the site boundary.

(iv) Odour:

All activities shall be carried out on the site in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.

(v) Vibration:

All activities that cause vibration shall be managed and controlled in such a way that no vibration is discernible beyond the site boundary.

(vi) Retailing:

There shall be no retailing except where the goods are manufactured on the site, provided that such retailing shall be ancillary to the manufacturing industry.

4A 2.2.2 Other Matters

All Controlled Activities must comply with other relevant Permitted Activity Conditions including the General Rules - See Chapter 14.

4A 2.3 Restricted Discretionary Activities

- (a) Residential development of 3 or more dwelling houses on any site, excluding sites located within Petone, Alicetown, Eastern Bays and Moera General Residential Activity Areas and Medium Density Residential Areas as shown in Appendix 17.
- (b) The removal of vegetation in excess of 500m² or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.
- (c) Health care service with a maximum of 4 practitioners.
- (d) Accessory buildings on legal road.
- (e) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.
- (f) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.
- (g) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.
- (h) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m² or with a setback less than 20m from a flood protection structure.
- (i) Childcare facilities for more than 5 children and up to a maximum of 30 children.
- (j) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which:
 - do not comply with any of the following Permitted Activity conditions: 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A 2.1.1 (z) Tertiary Education Precinct (excluding The Maximum Height of Buildings and Structures 4A 2.1.1 (z) (iii)); and
 - do not exceed 12m in height.
- (i) Non-notification
In respect of Rule 4A 2.3 (j), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 4A 2.3 (j) (i) prevails over Rule 17.2.2.

- (k) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.
 - (i) Non-notification
In respect of Rule 4A 2.3 (k), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 4A 2.3 (k) (i) prevails over Rule 17.2.2.

- (l) Housing for the Elderly within the area identified in Appendix General Residential 21.

~~(m) Housing for the elderly on the site shown in Appendix General Residential 21, subject to compliance with the permitted activities conditions in Rule 4A 2.3.2.~~

Non-notification

In respect of Rule 4A 2.3 (l), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

(m) Housing for the Elderly within the area identified in Appendix General Residential 22, including buildings and structures which:

(i) Provide a building setback of no less than 5m from all Residential Activity Area boundaries including that of Boulcott School; and

(ii) Otherwise comply with the permitted activity conditions relating to maximum site coverage, maximum length of buildings, recession planes, yard requirements, required permeable surface and not those permitted activity conditions relating to height provided that:

(a) the length of the northern boundary identified in Appendix General Residential 22 shall be exempt from the maximum length of building and recession plane permitted activity conditions; and

(b) for conditions that refer to 'net site area' this term shall be replaced with 'site area'.

~~**(n)** Housing for the elderly on the site shown in Appendix General Residential 21 which fails to comply with any of the relevant Permitted Activity and/or Chapter 14 – General Rules conditions and is not a Non-Complying Activity.~~

4A 2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms

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

(i) Design Guide:

Consideration shall be given to how the proposal addresses the Design Guide for Medium Density Housing (Appendix 19).

(ii) Amenity Values:

Consideration shall be given to adverse effects upon the amenity values both within the site concerned and upon surrounding residential area, including

- The separation distance between buildings, structures and outdoor living areas on site.
- The provision made for outdoor service and living areas for residents, and aural and visual privacy for dwelling units both on the site concerned and on adjacent sites.
- The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular, the impact of building density (net site area, coverage), location (yards), recession planes, height and length.

(iii) Traffic Effects:

The safe and efficient movement of all traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not affect adversely normal traffic flows on the road, or cause a traffic hazard. Provision should also be made for pedestrians.

The proposal should comply with the parking and access controls contained in Chapter 14A.

(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 will be required to ensure that any adverse effects of the proposal are kept within the site concerned. This may include landscaping of any on site parking areas. Landscaping may also be used to soften the impact of any building upon the surrounding area, adjacent sites and buildings, or to screen private living and service courts.

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

(b) Residential development of 3 or more dwelling houses on sites located outside the Medium Density Residential area.

(i) In addition to the above, on any site located outside the Medium Density Residential area consideration shall be given to:

(a) 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.

(b) Whether there is a recorded flood risk associated with the site.

(c) The capacity of the City's infrastructure to service additional development on the site.

(c) The removal of vegetation in excess of 500m² or 35% of the site, whichever the lesser, provided that this shall not preclude the removal of any pest plant.

(i) Amenity Values:

The extent to which the proposal will affect adversely the visual amenity values of the site and surrounding area. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.

(ii) Site Stability:

The adverse effects upon the stability of the site caused by the removal of trees or vegetation.

(iii) The Intrinsic Values of Ecosystems:

The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area.

(d) Health care service with a maximum of 4 practitioners.

(i) Amenity Values:

The extent to which the proposal will affect adversely the amenity values of the surrounding residential area.

(ii) Traffic Effects:

The extent to which the proposal will affect adversely the safe and efficient movement of all traffic. It should be demonstrated that traffic generation and vehicles leaving and entering the site will not affect adversely the normal traffic flows on the road, or cause a traffic hazard. Provision should be made for pedestrians.

(iii) Landscaping:

The extent to which landscaping is incorporated within the overall proposal to mitigate adverse effects, which may arise.

A landscape plan will be required to ensure that any adverse effects of the proposal are mitigated. This should include landscaping of any on site parking areas.

(e) Accessory buildings on legal road.

(i) Amenity Values:

The extent to which the proposal affects adversely the amenity values of the surrounding residential properties, including the amount of earthworks required, loss of vegetation, design and appearance of buildings. All such buildings must be painted.

(ii) Traffic Effects:

The extent to which the accessory building will affect adversely the safe and efficient movement of traffic on the road. It should be demonstrated that the accessory building and vehicles using the accessory building shall not create a traffic hazard.

(f) Cnr of Eastern Hutt Road and Reynolds Bach Drive, Part Section 742 Hutt District, forestry.

(i) Amenity Values:

Consideration shall be given to the amenity values of the site and in particular any adverse effects on the amenity values of residents in Stokes Valley and the impact on amenity values when the forestry is harvested. Details of any remedial work may form part of any conditions of consent

(ii) Traffic Effects:

The safe and efficient movement of all traffic needs to be ensured. All harvested logs shall be taken out through to Reynolds Bach Drive. No logs shall be taken out through Stokes Valley or directly on to Eastern Hutt Road.

(g) All buildings and structures that are sited wholly or in part on the riverside of the building setback line in Belmont.

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:

- The risk to people of exposure to the erosion hazard; and
- Any mitigation measures that are proposed.

(h) All buildings and structures within the 1 in 100-year flood extent that do not comply with the Permitted Activity Conditions for floor levels or total gross floor area.

(i) In assessing proposals, Council will be guided by the degree to which buildings and structures further increase:

- The risk to people of exposure to the flood hazard; and
- The flood hazard effects for land, buildings and structures off-site.

(i) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m² or with a setback less than 20m from a flood protection structure.

- Proximity of buildings and structures to flood protection structures;
- Adverse effects of the flood hazard on buildings and structures and on flood protection structures; and
- The risk to people of exposure to the flooding and erosion hazard.

(j) Child care facilities for more than 5 children and up to a maximum of 30 children.

The presumption of non-notification in Rule 17.2.2 does not apply to this rule.

(i) Site Layout and Landscaping

Consideration shall be given to whether the site layout and any proposed landscaping ensure adverse effects will be retained within the site, thus avoiding or minimising impacts on the adjacent roadway or adjacent residential sites.

(ii) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian traffic hazard.

The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.

(iii) Parking Effects

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.

The proposal should comply with the parking and loading controls contained in Chapter 14A.

(iv) Noise

The proposal should comply with the maximum noise levels specified in Chapter 14C Noise.

With respect to non-compliances, consideration shall be given to any method or measure proposed to mitigate adverse noise effects of the proposal.

(k) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which:

- do not comply with any of the following Permitted Activity conditions: 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A 2.1.1 (z) Tertiary Education Precinct (excluding The Maximum Height of Buildings and Structures 4A 2.1.1 (z) (iii)); and
- do not exceed 12m in height

(i) Amenity Values

The extent to which the proposal would affect adversely the amenity values of the surrounding residential area, including:

- (1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.
- (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.

(ii) Design, External Appearance and Siting

- (1) The extent to which building bulk, scale and siting of the proposal is compatible with the scale of buildings in the neighbourhood.
- (2) The extent to which building, bulk, scale and siting of the proposal does not dominate the adjacent Petone Recreation Ground.

(iii) Streetscape Effects

The extent to which the proposal would adversely impact on the streetscape of the area.

(iv) Landscaping and Screening

(1) The location, nature and degree of proposed landscaping.

(2) The location, nature and screening of outdoor storage, servicing and parking areas, including their visibility and relationship to adjoining residential sites and visibility from any public space.

(I) All ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.

(i) Amenity Values

The extent to which the proposal would affect adversely the amenity values of the surrounding residential area, including:

(1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.

(2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.

(ii) Design External Appearance and Siting

(1) The extent to which building bulk, scale and siting of the proposal is compatible with the scale of buildings in the neighbourhood.

(2) The extent to which building, bulk, scale and siting of the proposal does not dominate the adjacent Petone Recreation Ground.

(iii) Streetscape Effects

The extent to which the proposal would adversely impact on the streetscape of the area.

(iv) Landscaping and Screening

(1) The location, nature and degree of proposed landscaping.

(2) The location, nature and screening of outdoor storage, servicing and parking areas, including their visibility and relationship to adjoining residential sites and visibility from any public space.

(v) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.

The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.

(vi) Parking Effects

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.

The proposal should comply with the parking and loading controls contained in Chapter 14A.

(vii) Noise

The proposal should comply with the maximum noise levels specified in Chapter 14C Noise.

(m) Housing for the Elderly within the area identified in Appendix General Residential 21:

(i) Temporary Construction Effects

Consideration shall be given to the potential construction effects arising from the establishment of a retirement village on the site. This includes the potential construction noise, traffic, dust, sediment runoff and vibration effects.

(ii) Design Guide

Consideration shall be given to the degree to which the proposal adheres to the Design Guide for Medium Density Housing (Appendix 19).

(iii) Traffic Generation Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.

(iv) Parking Effects

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

(v) Natural Hazards

The extent to which the proposal addresses the flood risk to the site, including ensuring that the floor level of any habitable space is constructed above the 1:100 year flood level for Parkway Drain.

(vi) Geotechnical Matters

The extent to which the proposal addresses any geotechnical limitations on the site.

(vii) Amenity Values

The extent to which the proposal would adversely affect the amenity values of the surrounding residential area, including:

- The effect of buildings and structures on neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings;
- Whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties;
- The effect on the amenity values of adjoining residential and recreational land caused by the removal of trees from the site; and
- The mitigation measures necessary, including landscape planting, to mitigate the adverse effects of loss of trees from the site and to assist the integration of the proposed development within the site and neighbourhood.

(viii) Pedestrian Connection

Provision for paved pedestrian pathways that are safe, separate from vehicle lanes wherever practicable, incorporate night lighting, are suitable for use by elderly persons and which provide connection between the site and available public bus routes.

~~(n) **Housing for the Elderly on the site shown in Appendix General Residential 21 that complies with permitted activity conditions in Rule 4A 2.3.2**~~

~~(i) *Development layout, landscaping, retirement amenity, external building design, external appearance and streetscape effects.*~~

~~*The above matters will be assessed for consistency with the Design Guide for Retirement Village Development in Appendix General Residential 21.*~~

~~(ii) *Off site transportation effects.*~~

~~(iii) *Construction effects.*~~

(n) Housing for the Elderly within the area identified in Appendix General Residential 22

The presumption of non-notification in Rule 17.2.2 does not apply to this rule.

The heading for each class of effects listed provides the scope of the discretion to address any effect of the development in that class. The rest of the text draws attention to particular aspects of that class that will need to be carefully considered. The activity must also meet the standards or conditions in 4A 2.3 (m).

(i) Traffic Effects:

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard, with effects on Boulcott School to be specifically addressed. Provision should also be made for pedestrian access.

(ii) Parking Effects:

The extent to which the proposal appropriately provides for the vehicle parking needs of the activity, without adversely affecting the vehicle parking requirements of the surrounding neighbourhood, as demonstrated through the provision of a parking management plan.

(iii) Construction effects:

Consideration shall be given to potential construction noise, traffic, access routes, dust, sediment runoff and vibration effects on the immediate residential area, including Boulcott School and Kindergarten. This consideration shall include:

(a) Consistency with NZS 6803:1999;

(b) Consistency with BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites;

(c) The provision of a construction traffic and parking management plan;

(d) The provision of a construction noise management plan;

(e) The provision of a communication and liaison plan.

(iv) Urban Design Effects, Architectural Treatment, Effects on Amenity and Character Values and Wind Effects

(a) The extent to which the proposal would adversely affect the amenity and character values of the surrounding residential and recreational area, including:

i. The effects of buildings and structures, on neighbouring and surrounding residential and recreational sites, Boulcott School and Boulcott Kindergarten, and, in particular, the location, design, appearance, bulk, spacing and articulation of the buildings; and

ii. Whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties and Boulcott School.

iii. The degree to which the proposal meets the Design Guide for Medium Density Housing (Appendix 19).

(b) The degree to which policies 4A1.2.1 (l) and (m) are met.

(c) Consideration shall include onsite amenity, including the management of onsite wind effects

(v) Landscape Effects and Landscape Design

Special consideration should be given to landscape design that manages the visual impact including on edges where existing vegetation affords privacy.

(vi) Noise:

Consideration shall be given to potential operational noise effects.

(vii) Infrastructure provision including infrastructure capacity and capability and stormwater management

Consideration shall be given to:

(a) The capacity of the pump station and provision of a pump station emergency management plan.

(b) The capacity within stormwater pipework from both with the site and Hathaway Avenue, including overland flow paths from Hathaway Avenue.

(c) The provision of a secondary flow path along the stopbank and serving Hathaway Avenue.

(d) The provision of a 100-year piped stormwater system and secondary flow path to serve 18 to 28A Hathaway Avenue.

(e) Final design for fire water meeting the appropriate Wellington Water regional water standard.

(viii) Natural hazards

(a) The extent to which the proposal addresses the following risks to the site:

i. Liquefaction;

ii. Fault rupture;

iii. Residual flood risks above a 1 in 100 year flood or stopbank breach or failure.

(b) Ensuring that the ongoing structural integrity of the flood protection system is not compromised.

(c) Addressing Emergency Evacuation Planning.

(ix) Effects on Tangata whenua values

Consideration shall be given to the extent to which the proposal addresses tangata whenua values, including through the provision of cultural impact assessments.

(x) Effects on Archaeological Values

Consideration shall be given to any adverse effects on archaeological sites.

(xi) Positive effects arising from provision of Housing for the Elderly in a comprehensively planned development.

~~(n) In addition to (m), and notwithstanding any General Rule to the contrary, housing for the elderly on the site shown in Appendix General Residential 21~~

~~which fails to comply with any of the relevant Permitted Activity conditions and/or any relevant Permitted Activity conditions in Chapter 14 – General Rules.~~

~~(i) — The effects generated by the condition not met.~~

4A 2.3.2 Other Matters

For Restricted Discretionary Activity (a): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) - (n).

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

For Restricted Discretionary Activity (l): All Restricted Discretionary Activities must comply with Permitted Activity Conditions (b) – (n). For Permitted Activity Conditions (b) – (g) any reference to the term “net site area” shall be replaced with the term “site”.

~~For Restricted Discretionary Activity (m) and (n): Permitted activity conditions (a) to (n) in Rule 4A 2.1.1 and the conditions in Chapter 14 General Rules, shall be complied with (or resource consent sought), provided that:~~

~~(i) — The recession planes condition and maximum length for all buildings and structures condition shall not apply to the length of boundary specified in Appendix General Residential 21.~~

~~(ii) — The permitted height of buildings and structures shall be as in Appendix General Residential 21.~~

~~(i) — For conditions that refer to “net site area” this term shall be replaced with “site area”.~~

For Restricted Discretionary Activity (m): Permitted activity conditions in Chapter 14 General Rules, specifically including Condition 14C2.2.1 (b) relating to operational noise, shall be complied with (or resource consent sought).

4A 2.4 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted, Controlled or Restricted Discretionary Activity, which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) Visitor accommodation.
- (c) Marae.
- (d) Places of assembly.
- (e) Education facilities.
- (f) Emergency facilities.
- (g) Dairies with a Gross Floor Area of less than 100m².
- (h) Health care services with more than 4 practitioners
- (i) On the Corner of Eastern Hutt Road and Reynolds Bach Drive, Part of Section 742 Hutt District (identified in Appendix General Residential 1) the erection of any new buildings or additions to existing buildings on the site.
- (j) Residential facility accommodating 11 or more persons.
- (k) Detention facilities.
- (l) Boarding houses.

- (m) Residential development of 3 or more dwelling houses on any site located within Petone, Alicetown, Eastern Bays and Moera General Residential Activity Areas and Medium Density Residential Areas as shown in Appendix 17.
- (n) Principal tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the Maximum Height of Buildings and Structures in 4A 2.1.1 (z) (iii) Tertiary Education Precinct or any other relevant Permitted Activity Conditions including the relevant requirements of Chapter 14 – General Rules, and which are not identified as a Restricted Discretionary Activity under Rule 4A 2.3.1 (j).
- (o) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the relevant Permitted Activity conditions including the relevant requirements of Chapter 14 – General Rules.
- (p) Housing for the Elderly on the site shown in Appendix General Residential 22 that does not comply with the standards for restricted discretionary classification.

4A 2.4.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in Sections 104 and 105, and Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.
- (c) With respect to residential development of 3 or more dwelling houses consideration shall be given to:
 - (i) How the proposal addresses the Design Guide for Medium Density Housing (Appendix 19).
 - (ii) The adverse effects on the amenity values of both adjacent properties and the surrounding residential area, including:
 - Whether the proposal will cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
 - Whether the form, scale and character of the proposal is compatible with residential development of the surrounding area.
 - Whether the proposal maintains or enhances existing streetscape.
 - (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.
 - (iv) Whether there is a recorded flood risk associated with the site.
 - (v) The capacity of the City's infrastructure to service additional development on the site.

4A 2.5 Non-Complying Activities

- (a) All other activities not listed as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity.
- ~~(b) Housing for the elderly on the site shown in Appendix General Residential 21 if the recession planes condition is exceeded by more than 3m measured vertically, the building height condition is exceeded by more than 10%, and/or site coverage exceeds 40%.~~

4A 2.6 Other Provisions

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

4A 3 Anticipated Environmental Results

- (a) Maintenance and enhancement of residential characteristics and amenity values.
- (b) Higher density forms of development located in areas suited to such development.
- (c) Protection of amenity values from adverse effects of higher dwelling densities.
- (d) Opportunity for home occupations to be carried out within the residential environment.
- (e) Opportunity for non- residential activities and development to be carried out.
- (f) Opportunity provided for the establishment and continuance of educational establishments within the City.
- (g) To protect buildings and structures from potential erosion and flooding of land by the Hutt River.
- (h) The scale, size and location of buildings and structures will have adverse effects which are no more than minor on flood protection structures.
- (i) The adverse effects on buildings and structures in the Primary and Secondary River Corridors will be avoided or mitigated.
- ~~(j) Housing for the elderly on the site shown in Appendix General Residential 21 if the recession planes condition is exceeded by more than 3m measured vertically, the building height condition is exceeded by more than 10%, and/or site coverage exceeds 40%.~~

Attachments:

- Site Identification Plan – Appendix General Residential 22
- ~~Plan re Height, Sunlight Access and Length of Building conditions~~ – deleted by the Hearing Panel
- ~~Site Specific Retirement Village Design Guide~~ – deleted by the Hearing Panel

Map Amendments:

- Change Activity Area of the Site from General Recreation Activity Area to General Residential Activity Area
- Remove Secondary River Corridor annotation from the Site

14A Transport

14A(iv) 2 Rules

14A(iv) 2.1 Permitted Activities - Conditions

(a) Loading and Unloading Requirements:

Every owner or occupier in all activity areas who constructs, substantially reconstructs or changes the use of a property, shall make adequate provision on the site for the loading of or unloading from vehicles of all goods and materials associated with the activity. No servicing activity may take place on road reserve.

For residential developments having fewer than 20 dwelling units or accommodating fewer than 20 residents, for all residential development in the Central Commercial Activity Area, and for network utility operations on sites less than 200m² or for unstaffed network utility sites, the requirements of Chapter 14A - Transport, 14A(iii) Car Parking requirements are deemed sufficient.

For housing for the elderly on the site in Appendix General Residential 22, adequate provision for loading and unloading shall be space for a medium rigid truck to park adjoining the main retirement village building.

(b) Loading and Unloading Requirements for Non-Residential Activities:

For retail and industrial activities (except in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts in the Central Commercial Activity Area), the number of loading spaces to be provided shall not be less than the following requirements:

Table 7 - Loading Space Requirements:

Gross Floor Area	No. of Spaces	Minimum Design Vehicle
Under 2000m ² GFA	1	Maximum rigid truck
2000 - 4000m ² GFA	1	Maximum articulated truck Plus 1 Maximum rigid truck
more than 4000m ² GFA	1	Maximum articulated truck Plus 2 Maximum rigid truck

For all other types of non-residential activity (including retail and industrial activities in the Central Commercial Activity Area), one loading space shall be provided in accordance with the design requirements in 14A(iv) 2.1(c).

(c) Design Requirements:

- (i) Loading spaces for light vehicles shall be a minimum of 6.0 metres long, 3.0 metres wide and 3.2 metres high.
- (ii) Loading platforms for heavy vehicles shall have a minimum width of 4.0 metres and minimum length of 8.5 metres, in addition to the space required for the vehicle. Where side loading or mechanical handling methods are proposed, additional space shall be provided in accordance with the particular methods and equipment contemplated.

...

Appendix Transport 3

Minimum Parking Standards

ACTIVITY	PARKS	UNIT
<p>RESIDENTIAL</p> <p>Existing single unit</p> <p>New single unit</p> <p>Historic Residential</p> <p>Home occupation</p> <p>3 or more dwelling houses on any single site in the Residential Activity Areas</p> <p>Hostels, housing for the elderly</p> <p>Residential facility for 8 - 10 persons</p> <p><i><u>Housing for the Elderly on the site in Appendix General Residential 22</u></i></p>	<p>1</p> <p>2</p> <p>1</p> <p>1 (in addition to dwelling)</p> <p>1</p> <p>1 and 0.1 and 0.8</p> <p>3 if contained in an existing building (or buildings)</p> <p>4 if contained in a new building (or buildings)</p> <p><i><u>1</u></i></p> <p><i><u>1</u></i></p> <p><i><u>2</u></i></p>	<p>dwelling</p> <p>dwelling</p> <p>dwelling</p> <p>home occupation</p> <p>dwelling</p> <p>staff member res. <18 yrs res. 18 yrs and over</p> <p>facility</p> <p>Facility</p> <p><i><u>Per villa and apartment</u></i></p> <p><i><u>Per every 5 villas, apartments, care apartments and care beds</u></i></p> <p><i><u>Per 3 staff on duty</u></i></p>
<p>EDUCATION</p> <p>Child care facilities, primary and intermediate schools</p> <p>Secondary schools</p> <p>Tertiary Education Precinct (as shown on Appendix General Residential 20 and Appendix General Business 5)</p>	<p>1</p> <p>1 and 0.1</p> <p>1</p>	<p>staff member</p> <p>staff member student 16 yrs and over</p> <p>[(1 parking space per 1.33 staff members + 1 parking space per 2.5 students) – 300] ÷ 0.76</p>
<p>...</p>		