

**IN THE ENVIRONMENT COURT
WELLINGTON**

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**I TE KŌTI TAIAO O AOTEAROA
I TE WHANGANUI-Ā-TARA ROHE**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Clause 14(1) of Schedule 1 of the RMA

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Appellant

AND **HUTT CITY COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
PROPOSED DISTRICT PLAN CHANGE 43**

18 DECEMBER 2019

**Russell
McLeagh**

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To: The Registrar
The Environment Court
WELLINGTON

KIWIRAIL HOLDINGS LIMITED ("KiwiRail") appeals against parts of the decision of the Hutt City Council ("**Council**") in respect of Proposed Plan Change 43 ("**PC43**") to the City of Lower Hutt District Plan ("**District Plan**").

Background and decisions appealed

1. KiwiRail made a submission on PC43 on 9 March 2018. KiwiRail submitted evidence on 19 August 2019 and presented legal submissions at the hearing on 3 September 2019.
2. KiwiRail received notice of the Council's decision on PC43 on 6 November 2019 ("**Decision**"), with that notice directing that any appeals should be filed within 30 working days.
3. KiwiRail is not a trade competitor for the purposes of section 308D of the RMA.
4. The parts of the Decision being appealed are those that relate to the rejection of the matters raised in KiwiRail's submission regarding setbacks for buildings adjoining the rail corridor boundary. Specifically, this appeal relates to the Decision to:
 - (a) reject new objectives and policies that seek to manage the effects of built development on operational land transport networks (including rail) by requiring sufficient setbacks;
 - (b) reject new rules to require the construction or alteration of any building is a permitted activity if it is set back 5 metres from the boundary of the railway corridor; and
 - (c) reject new rules that any activity which does not comply with the above setback is a restricted discretionary activity (and associated matters of discretion to manage the effects on the railway network).

General reasons for appeal

5. PC43, in its present form:

- (a) will not promote the sustainable management of the natural and physical resources in Hutt City, and is therefore contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of Hutt City;
 - (d) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
 - (e) is not the most appropriate way to achieve the objectives of the District Plan in terms of section 32 of the RMA.
6. In addition to the general reasons outlined above, KiwiRail also appeals the Decision for the specific reasons set out below.

Specific reasons for appeal

7. PC43, as amended by the Decision, requires that buildings in the General Residential and Medium Density Residential Activity Areas are set back 1 metre from the boundary for side and rear yards, and 3 metres for front yards.¹ Eaves may encroach into yards by up to 0.6 metre, meaning that the setbacks may be as little as 0.4 metre.² PC43 also prevents accessory buildings in the General Residential and Medium Density Residential Activity Areas being built in a side or rear yard directly adjoining the rail corridor.³
8. In the Suburban Mixed Use Activity Area, PC43 only applies yard setbacks in limited circumstances, including if the site adjoins a residential activity area a 3 metre yard is required).⁴ No specific setbacks or controls are included for buildings adjoining the rail corridor in the Suburban Mixed Use Activity Area.
9. For buildings that do not meet the setback requirements, resource consent is required as a restricted discretionary activity with discretion restricted to effects on privacy of adjoining sites, the amenity of the surrounding residential area,

¹ Decision, Rule 4A 4.2.5 at Appendix 1, page 15; and Rule 4F 4.2.4 at Appendix 1, page 55.

² Decision, Rule 4A 4.2.5(a) at Appendix 1, page 15; and Rule 4F 4.2.4(a) at Appendix 1, page 55.

³ Decision, Rule 4A 4.2.5(a)(ii) at Appendix 1, page 15; and Rule 4F 4.2.4(a)(ii) at Appendix 1, page 15.

⁴ Decision, Rule 5E 4.2.3(a) at Appendix 1, page 71.

streetscape and adjoining public space, and specified residential design elements.⁵

10. KiwiRail considers that the setbacks and related provisions in the Decision are not sufficient to address the potential impacts that development adjacent to the rail corridor can have on the operation of the rail network.
11. KiwiRail considers that a 5 metre setback for all new (or altered) building development adjacent to operational railway corridor boundaries is necessary to ensure the safe and efficient operation of the rail network. As PC43 aims to increase urban intensification and encourages subdivision, there is a risk of conflict at the interface of the rail corridor boundary if built environments are not appropriately managed.
12. While PC43 includes policies in the General Residential and Medium Density Residential Activity Areas to manage the effects of the built environment on adjoining sites and the street by requiring sufficient setbacks,⁶ there are no specific objectives and policies addressing the effects of development on the land transport network. KiwiRail considers that reference to managing effects on the land transport network, including the railway corridor, is necessary in the objectives and policies to support the corresponding rules.
13. The amendments sought by KiwiRail are necessary to ensure that the risk of incidents occurring as a result of development encroaching into the rail corridor is appropriately managed throughout Hutt City.

Relief sought

14. KiwiRail seeks that the following provisions be included in each of the General Residential Activity Areas, Medium Density Activity Areas and Suburban Mixed-Use Activity Areas in the District Plan (additions shown in underline):

Objective 4A 2.X; Objective 4F 2.X; Objective 5E 2.X

Built development is located and designed to address amenity and safety issues arising from the operation of land transport networks (including rail).

Policy 4A 3.X; Policy 4F 3.X; Policy 5E 3.X

⁵ Decision, Rule 4A 4.2.5(b) at Appendix 1, page 16; Rule 4F 4.2.4(b) at Appendix 1, page 55; and Rule 5E 4.2.3(b) at Appendix 1, page 71.

⁶ Decision, Policy 4A 3.4 at Appendix 1, page 5; and Policy 4F 3.3 at Appendix 1, page 45.

Manage the effects of built development on operational land transport networks (including rail) by requiring sufficient setbacks.

Rule 4A 4.2.X; Rule 4F 4.2.X; Rule 5E 4.2.X

Construction or alteration of any building is a permitted activity if it is:

- (i) Set back at least 5 metres from any boundary which adjoins an operational railway line.

Any activity which does not comply with the condition for a permitted activity under the above Rule is a restricted discretionary activity. Discretion is restricted to:

- (i) the effects on the operation of the railway network;
- (ii) whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor.

15. KiwiRail also seeks:

- (a) such further other orders, alternative relief, and consequential amendments considered appropriate to address KiwiRail's concerns set out above; and
- (b) costs of and incidental to this appeal.

Attachments

16. The following documents are attached to this notice:

- (a) a copy of the relevant parts of the Decision;
- (b) a copy of KiwiRail's submission; and
- (c) a list of names and addresses of persons who are to be served with a copy of this notice.

KIWIRAIL HOLDINGS LIMITED by its solicitors and authorised agents Russell McVeagh:

Signature:

A A Arthur-Young / L J Eaton

Date:

18 December 2019

Address for Service: C/- Lauren Eaton
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Advice to recipients of copy of notice of appeal*How to become a party to proceedings*

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
4. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

5. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ATTACHMENT A

Relevant extracts from the Decision

Proposed District Plan Change 43

Residential and Suburban Mixed Use

Decision

270. We find that provision of sunlight is an important residential amenity consideration. We also find that there is no basis to roll-back the recession planes to the previous version of the District Plan; that was not connected to any of the existing or proposed PC43 objectives or policies that methods are required to implement, and we find it unrelated to the purpose of PC43 more generally.
271. We did consider whether to add a quantitative requirement for sunlight access, specifically a minimum requirement of hours-per-day. Ultimately, we have agreed with the Council officers in their reply that it was not necessary. We find that the existing planning provisions provide for a combination of building height, length and proximity between neighbouring sites and this will result in shadowing effects.
272. We accept the retention of the status quo recession planes in the GRAA. The purpose of PC43 will simply not be achieved if more restrictive recession planes than the status quo are introduced. We explored at length the potential to have different recession planes at different compass points but ultimately accept, and adopt, the reasons given by Council officers in reply,¹⁹⁴ including that the benefits of such an outcome are outweighed by the complexity and that they may well reduce the potential for intensification.
273. For completeness, we accept, for the reasons given in the s42A Report, the Council evidence, and reply submissions, the Council officers' position on other relevant provisions relating to sunlight (addressed further in relation to recession planes below). These include the proposed height provisions applying between activity areas (boundary interface)¹⁹⁵ and also the removal of the maximum length Rule.¹⁹⁶
274. Overall, we find that the additional or different shadowing effects likely to result from PC43 have been considered with care and an appropriate rigour. We find that they will be acceptable and consistent with the maintenance of residential amenity values as they are currently provided for in the operative District Plan.

KiwiRail

275. KiwiRail's concerns were succinctly summarised by counsel as "*increasing intensification near operational rail corridors gives rise to potential safety*

¹⁹⁴ Point 13.

¹⁹⁵ Point 26.

¹⁹⁶ Point 18.

risks and adverse amenity risks."¹⁹⁷ These risks (such as items blowing onto the tracks/overhead wires) were explained to us by Ms Butler and Mr Loades. We accept their arguments as to the importance of rail providing the public transport necessary for the intensification to be enabled by PC43.

276. KiwiRail sought a full suite of planning changes to provide for their issues, including objectives and policies, and a 5m¹⁹⁸ setback permitted activity requirement (and restricted discretionary activity if breached). Ms Butler gave evidence that the 5m setback sought by KiwiRail, was necessary to give effect to the RPS, including Objective 10, and identified relevant objectives and policies of the District Plan that PC43 must have regard to, including 13.1.1 and its associated policies.
277. While initially not accepting any changes in response to KiwiRail's submission, in their reply evidence the Council officers proposed an amendment to the yard standard to limit the location of an accessory building on a side/rear yard directly adjoining the rail corridor.¹⁹⁹
278. We have already accepted above that KiwiRail's submission is within scope. We therefore turn to evaluating KiwiRail's issues.
279. KiwiRail provided maps indicating the number of properties affected by their 5m setback. There were many properties with the significant majority in the GRAA. The height restrictions on dwellings in the GRAA, and hence the opportunities for objects to blow or fall from dwellings onto KiwiRail infrastructure is no different to the existing provisions. While density can be increased, having a greater stipulated setback may encourage provisions of washing lines, or play areas, closer to KiwiRail's assets.
280. We discussed this (blowing washing from balconies), the risk of concerns, and the efficiency and effectiveness of various options with KiwiRail representatives. In particular we raised concerns that 5m setbacks would make it more likely that the additional area would be used by children for recreation. Without fencing (we heard that KiwiRail is exempt from the Fencing Act) that could potentially increase safety concerns if the area is used as a playground. Equally, the recession planes (which have not changed in the GRAA) would require balconies to be back from the boundary. The Council officers' suggested changes to the accessory building

¹⁹⁷ Legal submissions on behalf of KiwiRail Holdings Limited, 3 September 2019, paragraph 3.8.

¹⁹⁸ Mr Loades told us this was an arbitrary distance but a good starting point.

¹⁹⁹ At paragraph 19 (the amendment is to Rule 4A 4.25 and 4F 4.2.4).

yard provisions, and our recommended change to the height of CRD, further reduces potential effects (and, depending on notification, KiwiRail has the ability to be involved such developments and if over 8m as a discretionary activity more likely to be notified).

281. Ms Butler also told us that as Hutt City has many roads adjacent to the rail corridor it is insulated from such risks "*to a significant degree*".
282. In their reply, Council officers considered that in the absence of fencing having open private space for play areas could create a greater risk than maintenance of new dwellings. Further, they were unsure of the difference of material blowing off a clothes line on the ground or a balcony. They preferred the status quo 1m as it does not create useable outdoor space adjacent to the rail corridor.
283. Finally, while we had maps showing the affected properties we had no evidence from KiwiRail as to the costs of their proposal on development potential.
284. Overall, and after much discussion (especially as we accept the importance of rail transport within PC43), we agree with the Council officers that retaining the current 1m setback is the most appropriate response to the risk/safety concerns raised by KiwiRail in maintaining a safe rail corridor and in achieving the objectives of protecting the benefits of regionally significant infrastructure in Hutt City (recognising that in many places the road acts as a buffer). We consider that our recommendations, and PC43, as a package provides appropriate protection, and greater protection than a 5m setback.

HNZ

285. HNZ sought, in relation to height in the GRAA, an increase in height from 8m to 9m where up to 50% of a building's roof elevation would be permitted to occupy the additional 1m of height.²⁰⁰ In their s42A Report,²⁰¹ and their rebuttal evidence,²⁰² the Council officers stated that while accepted for medium density²⁰³ and also SMUAA, an 8m height provides sufficient flexibility in the GRAA while providing appropriate amenity protection. Having heard from many submitters, and reading the submissions received, we agree. PC43 provides for infill housing in the GRAA and frees up many of

²⁰⁰ As raised in paragraph 7.2(a) of HNZ's legal submissions.

²⁰¹ At paragraph 788.

²⁰² At paragraph 28.

²⁰³ As set out below however we recommend a flat 8m height for CRD.

Amendments to Chapter 4A General Residential Activity Area, with recommended changes from the Hearing Panel

AMENDMENT 30 [Chapter 4A General Residential Activity Area]
Delete current Chapter 4A General Residential Activity Area in its entirety

AMENDMENT 31 [New Chapter 4A General Residential Activity Area (4A 1 Introduction / Zone Statement)]
Add a new Section 4A 1 Introduction / Zone Statement

4A 1 Introduction / Zone Statement

The General Residential Activity Area is the City's main residential zone. It is characterised by mostly one to two storey detached houses which are set back from property boundaries.

The General Residential Activity Area enables some intensification while overall maintaining the low to medium density character. Within the General Residential Activity Area opportunity will be made for medium densities through comprehensive residential development on larger sites which are able to manage effects beyond their boundaries.

The General Residential Activity Area provides for growth through a range of permitted activities and development standards combined with design guidance on how to achieve well designed residential intensification. Where those development standards for permitted activities are not met, guidance on how to manage potential effects is provided through the Medium Density Design Guide.

Up to two dwellings per site are permitted subject to compliance with the development standards. This is to ensure high quality developments with manageable effects for adjoining sites and the neighbourhood, as well as residents within the development site.

Resource consent is required for three or more dwellings, for comprehensive residential developments and other specified built developments in order to

- achieve a high quality built environment;
- manage the effects of development on neighbouring sites;
- achieve high quality on-site living environments; and
- achieve attractive and safe streets and public space.

The resource consent process enables the design and layout of development to be assessed, recognising that quality design is increasingly important as the scale and density of development increases.

Precincts and scheduled sites are listed under 4A 5 at the end of the chapter.

AMENDMENT 32 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Section 4A 2 Objectives and new Objective 4A 2.1

4A 2 Objectives

Objective 4A 2.1

Residential Activities are the dominant activities in the General Residential Activity Area.

Any non-residential activities that locate in the General Residential Activity Area are compatible with the low to medium density residential development and high levels of amenity anticipated for the zone.

AMENDMENT 33 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Objective 4A 2.2

Objective 4A 2.2

Housing capacity and variety are increased.

AMENDMENT 34 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Objective 4A 2.3

Objective 4A 2.3

Built development is consistent with the planned low to medium density built environment and is compatible with the amenity levels associated with low to medium density residential development.

AMENDMENT 35 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Objective 4A 2.4

Objective 4A 2.4

Built development provides high quality on-site amenity for residents as well as high quality residential amenity for adjoining properties and the street.

AMENDMENT 36 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Objective 4A 2.5

Objective 4A 2.5

Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.

AMENDMENT 37 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Objective 4A 2.6

Objective 4A 2.6

Built development is located and designed to manage significant risk from natural hazards.

AMENDMENT 38 [New Chapter 4A General Residential Activity Area (4A 2 Objectives)]
Add a new Section 4A 3 Policies and new Policy 4A 3.1

4A 3 Policies

Policy 4A 3.1

Provide for residential activities and those non-residential activities that support the community's social, economic and cultural well-being and manage any adverse effects on residential amenity.

AMENDMENT 39 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.2

Policy 4A 3.2

Enable a diverse range of housing types and densities.

AMENDMENT 40 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.3

Policy 4A 3.3

Enable the efficient use of larger sites and combined sites by providing for comprehensive residential developments.

AMENDMENT 41 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.4

Policy 4A 3.4

Manage the effects of built development on adjoining sites and the streetscape and minimise visual dominance on adjoining sites by controlling height, bulk and form of development and requiring sufficient setbacks.

AMENDMENT 42 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.5

Policy 4A 3.5

Require built development to maintain a reasonable level of privacy and sunlight access for adjoining sites.

AMENDMENT 43 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.6

Policy 4A 3.6

Require built development to provide useable and accessible outdoor living space to provide for outdoor amenity.

AMENDMENT 44 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.7

Policy 4A 3.7

Encourage high quality built development to contribute to attractive and safe streets and public open spaces by providing for buildings that address the streets and public open spaces, minimise visual dominance and encourage passive surveillance.

AMENDMENT 45 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.8

Policy 4A 3.8

~~Encourage~~ Require medium density built development and comprehensive residential development that is in general accordance with the Medium Density Design Guide to be of a high quality design and to maintain the historic character of Petone-Moera.

AMENDMENT 46 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.9

Policy 4A 3.9

Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.

AMENDMENT 47 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.10

Policy 4A 3.10

Require comprehensive residential development to be stormwater neutral and encourage comprehensive residential development to contribute to the maintenance or improvement of water quality.

AMENDMENT 48 [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Add a new Policy 4A 3.11

Policy 4A 3.11

~~Manage medium density residential development in areas of high risk from natural hazards risk.~~ Discourage medium density residential development in areas of high risk from natural hazards unless the development mitigates the risk from the natural hazard.

AMENDMENT 48A [New Chapter 4A General Residential Activity Area (4A 3 Policies)]
Introduce a new Policy 4A 3.xx

Policy 4A 3.xx

Promote new development to have raised floor levels for new development to be above the 100 year (ARI) flood extent, where sufficient information is available.

AMENDMENT 59 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
 Add a new Subsection 4A 4.2 Development Standards and new Rule 4A 4.2.1 Number of Dwellings per Site

4A 4.2 Development Standards

Rule 4A 4.2.1 Number of Dwellings per Site

<p>(a) <u>Up to two dwellings per site are a permitted activity.</u></p>
<p>(b) <u>Three or more dwellings per site are a restricted discretionary activity.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of adjacent properties adjoining sites.</u></p> <p>(ii) <u>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</u></p> <p>(iii) <u>Whether the site is subject to any hazards, including being within any natural hazard overlay area</u></p> <p>(iv) <u>The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</u></p> <p>(v) <u>Any positive effects, including positive effects of increasing housing capacity and variety.</u></p> <p>(vi) <u>Consistency with the Medium Density Design Guide.The following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p>l) <u>Historic character in Petone-Moera</u></p> <p><u>When considering the matters in (vi), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p><u>Links to</u> <u>Objectives 4A 2.2, 4A 2.3, 4A 2.4, 4A 2.5, 4A 2.6</u> <u>Policies 4A 3.2, 4A 3.8, 4A 3.9, 4A 3.11</u></p>

AMENDMENT 60 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.2 Site Coverage

Rule 4A 4.2.2 Site Coverage

<p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) <u>The site coverage does not exceed 40%.</u></p>
<p>(b) Construction or alteration of a building that exceeds 40% site coverage is a restricted discretionary activity.</p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of adjacent properties adjoining sites.</u></p> <p>(ii) <u>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</u></p> <p>(iii) Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site. <u>Where the proposal is for two or more dwellings, the following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p>l) <u>Historic character in Petone-Moera</u></p> <p><u>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p><u>Links to:</u> <u>Objectives 4A 2.3, 4A 2.4</u> <u>Policies 4A 3.1, 4A 3.2, 4A 3.4, 4A 3.6, 4A 3.7, 4A 3.8</u></p>

AMENDMENT 61 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.3 Building Height

Rule 4A 4.2.3 Building Height

<p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) <u>The building does not exceed a maximum height of 8m.</u></p>
<p>(b) Construction or alteration of a building that exceeds the maximum height of 8m is a restricted discretionary activity.</p>

Discretion is restricted to:

- ~~(i) The effects on the amenity of adjacent properties.~~
 - (i) The effects on the privacy of adjoining sites. ~~properties.~~
 - ~~(ii) The effects on shading of adjoining sites. properties.~~
 - (iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.
 - (iv) ~~Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site.~~ Where the proposal is for two or more dwellings, the following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
 - l) Historic character in Petone-Moera
- When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 4A 2.3, 4A 2.4

Policies 4A 3.4, 4A 3.5, 4A 3.7

AMENDMENT 62 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.4 Recession Plane

Rule 4A 4.2.4 Recession Plane

- (a) Construction or alteration of a building is a **permitted** activity if the following recession plane requirements are being met:
 - (i) 2.5m +45° from all side and rear boundaries.

No recession planes are required from road boundaries and existing or proposed internal boundaries within a site.
- (b) Construction or alteration of a building that does not meet the recession plane requirements is a **restricted discretionary** activity.

Discretion is restricted to:

 - ~~(i) The effects on the amenity of adjacent properties.~~
 - (i) The effects on the privacy of adjoining sites. ~~properties.~~

- ~~(ii) The effects on shading of adjoining sites, properties.~~
- ~~(iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.~~
- ~~(iv) Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site.~~ Where the proposal is for two or more dwellings, the following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
 - l) Historic character in Petone-Moera

When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:
 Objectives 4A 2.3, 4A 2.4
 Policies 4A 3.4, 4A 3.5, 4A 3.7

AMENDMENT 63 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
 Add a new Rule 4A 4.2.5 Yards

Rule 4A 4.2.5 Yards

- (a) Construction or alteration of a building is a **permitted** activity if:
 - (i) The building is not located within the following yard setbacks:

<u>Front yards</u>	<u>3m</u>
<u>Side yards</u>	<u>1m</u>
<u>Rear yards</u>	<u>1m</u>
 - (ii) One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.

No yards are required along existing or proposed internal boundaries within a site.

Eaves may encroach into any yard by up to 0.6 m.
- (b) Construction or alteration of a building that does not meet the yard requirements is a **restricted discretionary** activity.
Discretion is restricted to:

- ~~(i) The effects on the amenity of adjacent properties.~~
- (i) The effects on the privacy of adjoining sites, properties.
- (ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.
- (iii) ~~Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site.~~ Where the proposal is for two or more dwellings, the following mixed use and medium density residential development design elements:
- a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
 - l) Historic character in Petone-Moera
- When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.

Links to:
 Objectives 4A 2.3, 4A 2.4
 Policies 4A 3.4, 4A 3.5, 4A 3.6, 4A 3.7

AMENDMENT 64 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
 Add a new Rule 4A 4.2.6 Permeable Surface

Rule 4A 4.2.6 Permeable Surface

- (a) Construction or alteration of a building, or new impermeable surfaces, is a **permitted** activity if:
- (i) A minimum of 30% of the site area is a permeable surface.
- (b) Construction or alteration of a building, or new impermeable surfaces, that does not meet the above permitted permeable surface requirements is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) The effects on the stormwater system.
 - (ii) The potential for increased surface ponding and flooding.
 - (iii) The mitigation of additional stormwater runoff through means such as onsite stormwater retention.
 - (iv) ~~Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site.~~ Where the proposal is for two or

more dwellings, the following mixed use and medium density residential development design elements:

- a) Building height
- b) Recession planes and setbacks
- c) Indoor and outdoor living spaces
- d) Open space and boundary treatments
- e) Entrances, carparking and garages
- f) On-site stormwater management
- g) End / side wall treatment
- h) Building materials
- i) Bike parking, storage and service areas
- j) Privacy and safety
- k) Landscaping
- l) Historic character in Petone-Moera

When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:
Objective 4A 2.5
Policy 4A 3.9

AMENDMENT 65 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.7 Outdoor Living Space

Rule 4A 4.2.7 Outdoor Living Space

- (a) Construction or alteration of a building is a **permitted** activity if:
- (i) Each dwelling has a private outdoor living space that:
 - 1. Has a minimum area of 50m².
 - 2. Has a minimum dimension of 4m.
 - 3. Has direct access from and is adjoining to the dwelling to which it relates.
 - 4. Is not occupied by any buildings, parking areas, or accessways.
 - (ii) For a dwelling located entirely above ground floor the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 10m² with a minimum dimension of 2m.
- (b) Construction or alteration of a building that does not meet the outdoor living space requirements is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) The effects on the amenity for residents of the site, including access to sunlight and open space and the usability, orientation and accessibility of the outdoor living space proposed.
 - (ii) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

<p>(iii) <u>Any positive effects that not meeting the standard has on the retention of vegetation or other site features that add to the amenity of the site and surrounding residential area.</u></p> <p>(iv) <u>Consistency with the Medium Density Design Guide where the proposal involves two or more dwellings on one site. Where the proposal is for two or more dwellings, the following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p>l) <u>Historic character in Petone-Moera</u></p> <p><u>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p>Links to: <u>Objective 4A 2.4</u> <u>Policies 4A 3.4, 4A 3.6</u></p>

AMENDMENT 66 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.8 Accessory Buildings

Rule 4A 4.2.8 Accessory Buildings

<p>(a) <u>Construction or alteration of an accessory building is a permitted activity if:</u></p> <p>(i) <u>Development Standards 4A 4.2.2 (Site Coverage), 4A 4.2.3 (Building Height), 4A 4.2.4 (Recession Planes), 4A 4.2.5 (Yards) and 4A 4.2.6 (Permeable Surface) are complied with.</u></p>
<p>(b) <u>Construction or alteration of an accessory building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of adjacent properties adjoining sites.</u></p> <p>(ii) <u>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</u></p>
<p>Links to: <u>Objectives 4A 2.3, 4A 2.4, 4A 2.5</u> <u>Policies 4A 3.4, 4A 3.5, 4A 3.6, 4A 3.7, 4A 3.9</u></p>

AMENDMENT 67 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.9 Minor Additional Dwelling

Rule 4A 4.2.9 Minor Additional Dwelling

- (a) The establishment of one minor additional dwelling on an existing site is a **permitted** activity if:
- (i) The minor additional dwelling has an outdoor living space for the sole use of the residents of the minor dwelling that:
 - 1. Has a minimum area of 20m².
 - 2. Has a minimum dimension of 3m.
 - 3. Has direct access from and is adjoining to the minor dwelling to which it relates.
 - 4. Is not occupied by any buildings, parking areas, or accessways.
 - (ii) Development Standards 4A 4.2.1 (Number of Dwellings per Site), 4A 4.2.2 (Site Coverage), 4A 4.2.3 (Building Height), 4A 4.2.4 (Recession Planes), 4A 4.2.5 (Yards) and 4A 4.2.6 (Permeable Surface) are complied with.
- (b) The establishment of a minor additional dwelling on an existing site that does not meet the above permitted activity standards is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) The ability of the site to accommodate the minor additional dwelling.
 - (ii) The ability of the minor additional dwelling to contain all necessary residential activities and function as a standalone unit.
 - (iii) The effects on the amenity and privacy of residents of the site.
 - (iv) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
 - (v) Any positive effects, including positive effects of increasing housing capacity and variety.
 - (vi) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
 - l) Historic character in Petone-Moera
- When considering the matters in (vi), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 4A 2.2, 4A 2.3, 4A 2.4, 4A 2.5

Policies 4A 3.1, 4A 3.2, 4A 3.4, 4A 3.5, 4A 3.6, 4A 3.7, 4A 3.8, 4A 3.9

AMENDMENT 68 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.10 Comprehensive Residential Developments

Rule 4A 4.2.10 Comprehensive Residential Developments

(a) Comprehensive Residential Developments are **restricted discretionary** activities if they comply with the following development standards:

(i) The site coverage does not exceed 60%.

(ii) The maximum height of buildings does not exceed ~~40~~8m.

(iii) The following recession plane requirements are being met:

2.5m +45° from all side and rear boundaries.

No recession planes are required from road boundaries and existing or proposed internal boundaries within a site.

(iv) No building is located within the following yard setbacks:

Front yards 2m

Side yards 1m

Rear yards 1m

No yards are required along existing or proposed internal boundaries within a site.

(v) Each dwelling has an outdoor living space for the sole use of the residents of that dwelling that:

1. Has a minimum area of 20m².

2. Has a minimum dimension of 3m.

3. Has direct access from the dwelling to which it relates.

4. Is not occupied by any buildings, parking areas, or accessways.

(vi) The development must achieve stormwater neutrality.

(vii) Developments that create any road or reserve that vests in Hutt City Council must install a stormwater treatment device or system that is designed and built in accordance with the Wellington Water Limited Water Sensitive Design for Stormwater: Treatment Device Design Guideline 2019. The device or system must be located on land to be vested in Hutt City Council or with easements in favour of Hutt City Council over the land the device is on to provide access for maintenance.

Discretion is restricted to:

(viii) The effects on the amenity of the surrounding residential area.

~~(viii)~~ (ix) The extent to which the site layout and any proposed landscaping ensure adverse effects will be contained within the site ~~where possible~~, avoiding or minimising impacts on surrounding residential areas, the streetscape and adjoining public space, ~~adjacent streets and public spaces or adjacent residential sites.~~

(ix) Whether the site for the Comprehensive Residential Development is subject to

<p><u>any hazards, including being within any natural hazard overlay area.</u></p> <p>(xi) <u>The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</u></p> <p>(xii) <u>The achievement of stormwater neutrality.</u></p> <p>(xiii) <u>The treatment of stormwater where required by (vii).</u></p> <p>(xiv) <u>Any positive effects including positive effects of increasing housing capacity and variety.</u></p> <p>(xv) Consistency with the Medium Density Design Guide. <u>The following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p>l) <u>Historic character in Petone-Moera</u></p> <p><u>When considering the matters in (xv), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p>(b) <u>Comprehensive Residential Developments that do not meet the above permitted restricted discretionary activity standards (a)(i) to (a)(vii) above are discretionary activities.</u></p>
<p><u>Links to:</u> <u>Objectives 4A 2.2, 4A 2.3, 4A 2.4, 4A 2.5, 4A 2.6</u> <u>Policies 4A 3.1, 4A 3.2, 4A 3.3, 4A 3.4, 4A 3.5, 4A 3.6, 4A 3.7, 4A 3.8, 4A 3.9, 4A 3.10, 4A 3.11</u></p>

AMENDMENT 69 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.2.11 Demolition

Rule 4A 4.2.11 Demolition

<p>(a) <u>The demolition of a building is a permitted activity.</u></p> <p><u>For buildings listed in Appendix Heritage 1 or 2 or in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of Chapters 14E and 14F relating to demolition apply.</u></p>
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AMENDMENT 70 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Note 4A 4.3 General Rules

Note 4A 4.3 General Rules

- (a) All activities must comply with the General Rules in Chapter 14.

AMENDMENT 70A [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Introduce a new Rule 4A 4.2.X Stormwater Retention

Rule 4A 4.2.X Stormwater Retention

- (a) Construction or alteration of a building is a **permitted** activity if:
- (i) A rainwater tank is provided for the building that collects all rainwater from the roof of the building. The rainwater tank must have the following volumes:
 - Roof area of 100m² or less - 2,000 litre capacity.
 - Roof area of 100m² to 200m² - 3,000 litre capacity.
 - Roof area of more than 200m² - 5,000 litre capacity.
- The tank must meet the specifications, and be installed in accordance with Acceptable Solution #1 from the Wellington Water guide *Managing Stormwater Runoff, The use of raintanks for hydraulic neutrality, Acceptable solution #1 dated June 2019 (Appendix General Residential X)*.
- No rainwater tank is required for the construction of an Accessory Building.
- (b) Construction or alteration of a building that that does not meet the rainwater tank requirements is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) The effects on the stormwater system.
 - (ii) The potential for increased surface ponding and flooding.
 - (iii) The mitigation of additional stormwater runoff through other means.

Links to:
[Objective 4A 2.5](#)
[Policy 4A 3.9](#)

New Chapter 4F Medium Density Residential Activity Area, with recommended changes from the Hearing Panel

AMENDMENT 94 [New Chapter 4F Medium Density Residential Activity Area (4F 1 Introduction / Zone Statement)]

Add a new Chapter 4F Medium Density Residential Activity Area and a new Section 4F 1 Introduction / Zone Statement

4F Medium Density Residential Activity Area

4F 1 Introduction / Zone Statement

The Medium Density Residential Activity Area provides for a variety of residential developments enabling a greater intensity of development than currently provided for.

It is anticipated that the appearance of the neighbourhood will change over time with increased opportunities for detached dwellings, terraced housing and low rise apartments.

The area is mainly located around suburban centres and close to public transport hubs and acts as a transitional area between medium density mixed use areas and lower density residential areas.

The Medium Density Residential Activity Area aims to increase the capacity and choice of housing within certain identified neighbourhoods as well as increasing the vitality of suburban centres. It recognises the needs of people in medium density living environments in particular to be close to amenities such as open space, public transport and day to day shopping.

The Medium Density Residential Activity Area provides for growth through a range of permitted activity standards which enable medium density residential developments. Where those development standards for permitted activities are not met guidance on how to manage potential effects is provided through the Medium Density Design Guide.

More restrictive standards apply along the boundaries of the Medium Density Residential Activity Area with other Residential Activity Areas to protect the amenity values of those adjoining residential areas.

AMENDMENT 95 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Section 4F 2 Objectives and new Objective 4F 2.1

4F 2 Objectives

Objective 4F 2.1

Residential Activities are the dominant activities in the Medium Density Residential Activity Area.

Non-residential activities are compatible with the amenity levels associated with medium density residential development anticipated by the zone.

AMENDMENT 96 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.2

Objective 4F 2.2

Land near the Suburban Mixed Use Activity Area and Central Commercial Activity Area and close to the public transport network that has been identified as suitable for medium density development is used efficiently.

AMENDMENT 97 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.3

Objective 4F 2.3

Housing capacity and variety are increased.

AMENDMENT 98 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.4

Objective 4F 2.4

Built development is ~~in-keeping consistent~~ with the planned medium density built character and compatible with the amenity levels associated with medium density residential development.

AMENDMENT 99 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.5

Objective 4F 2.5

Built development is of high quality and provides on-site amenity for residents as well as residential amenity for adjoining properties and the street.

AMENDMENT 100 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.6

Objective 4F 2.6

Built development is adequately serviced by network infrastructure or addresses any infrastructure constraints.

AMENDMENT 101 [New Chapter 4F Medium Density Residential Activity Area (4F 2 Objectives)]

Add a new Objective 4F 2.7

Objective 4F 2.7

Built development is located and designed to manage significant risk from natural hazards.

AMENDMENT 102 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Section 4F 3 Policies and new Policy 4F 3.1

4F 3 Policies

Policy 4F 3.1

Provide for residential activities and those non-residential activities that support the community's social, economic and cultural well-being and manage any adverse effects on residential amenity.

AMENDMENT 103 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.2

Policy 4F 3.2

Enable the efficient use of land by providing for a diverse range of housing types at medium densities.

AMENDMENT 104 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.3

Policy 4F 3.3

Manage the effects of built development on adjoining sites and the street by controlling height, bulk and form of development and requiring sufficient setbacks.

AMENDMENT 105 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.4

Policy 4F 3.4

Manage the effects of built development on adjoining sites within other Residential Areas and minimise visual dominance by controlling height, bulk and form of development and requiring sufficient setbacks.

AMENDMENT 106 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.5

Policy 4F 3.5

Encourage medium density built development that is in general accordance with the Medium Density Design Guide to be designed to a high quality.

AMENDMENT 107 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.6

Policy 4F 3.6

Require built development to maintain a reasonable level of privacy and sunlight access for adjoining sites.

AMENDMENT 108 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.7

Policy 4F 3.7

Require built development to provide useable and accessible outdoor living space to provide for outdoor amenity.

AMENDMENT 109 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.8

Policy 4F 3.8

Encourage built development to contribute to attractive and safe streets and public open spaces by providing for buildings that address the streets and public open spaces, minimise visual dominance and encourage passive surveillance.

AMENDMENT 110 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.9

Policy 4F 3.9

Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.

AMENDMENT 111 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.10

Policy 4F 3.10

Encourage medium density residential development to be stormwater neutral.

AMENDMENT 112 [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Add a new Policy 4F 3.11

Policy 4F 3.11

Manage medium density residential development in areas of high risk from natural hazards risk.

AMENDMENT 112A [New Chapter 4F Medium Density Residential Activity Area (4F 3 Policies)]

Introduce a new Policy 4F 3.xx

Policy 4F 3.xx

Promote new development to have raised floor levels for new development to be above the 100 year (ARI) flood extent, where sufficient information is available.

AMENDMENT 113 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Section 4F 4 Rules, new Subsection 4F 4.1 Activities and new Rule 4F 4.1.1 Residential Activities

4F 4 Rules

4F 4.1 Activities

Rule 4F 4.1.1 Residential Activities

(a) Residential Activities are **permitted** activities.

Links to:

Objective 4F 2.1

Policy 4F 3.1

AMENDMENT 114 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.2 Home Occupation

Rule 4F 4.1.2 Home Occupation

(a) Home Occupations are **permitted** activities if:

(i) At least one person engaged in the home occupation is permanently living on site.

(ii) No more than four people in total may work in the home occupation at any one time.

(iii) Retail activities are limited to:

1. Goods produced on the site; or

2. Goods retailed online and not resulting in customer visits to the site; or

3. Goods ancillary and related to a service provided by the home occupation.

(iv) The home occupation does not include the repair, alteration, restoration or maintenance of motor vehicles.

(v) The home occupation does not involve the use of trucks or other heavy vehicles.

(vi) The operational hours for visitors, customers, clients and deliveries to the home occupation is only between:

1. 8:00am to 7:00pm Monday to Friday; and

Links to:
Objective 4F 2.1
Policy 4F 3.1

AMENDMENT 122A [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Introduce a new Rule 4F 4.1.x Vegetation Removal

Rule 4F 4.1.x Vegetation Removal

(a) The removal of vegetation (whether indigenous or exotic) is a permitted activity.

AMENDMENT 123 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Subsection 4F 4.2 Development Standards and new Rule 4F 4.2.1 Site Coverage

4F 4.2 Development Standards

Rule 4F 4.2.1 Site Coverage

(a) Construction or alteration of a building is a **permitted** activity if.

(i) The site coverage does not exceed 60%.

(b) Construction or alteration of a building that exceeds 60% site coverage is a **restricted discretionary** activity.

Discretion is restricted to:

~~(i) The effects on the amenity of adjacent properties.~~

(i) The effects on the privacy of adjoining sites. ~~properties.~~

(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.

(iii) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 4F 2.2, 4F 2.3, 4F 2.4, 4F 2.5
Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.6, 4F 3.8

AMENDMENT 124 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.2 Building Height

Rule 4F 4.2.2 Building Height

- (a) Construction or alteration of a building is a **permitted** activity if:
- (i) The building does not exceed a maximum height of 10m=except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.
- (b) Construction or alteration of a building that exceeds the maximum height of 10m is a **restricted discretionary** activity.
- Discretion is restricted to:**
- ~~(i) The effects on the amenity of adjacent properties.~~
 - (i) The effects on the privacy of adjoining sites. ~~properties.~~
 - (ii) The effects on shading of adjoining sites. ~~properties.~~
 - (iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.
 - (iv) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
- When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:
Objectives 4F 2.2, 4F 2.3, 4F 2.4, 4F 2.5
Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.6, 4F 3.8

AMENDMENT 125 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.3 Recession Planes

Rule 4F 4.2.3 Recession Planes

(a) Construction or alteration of a building is a **permitted** activity if the following recession plane requirements are being met:

- (i) ~~2.5m~~ 3.5m +45° from all side and rear boundaries.
- (ii) For sites adjoining other Residential Activity Areas the recession plane requirements of the adjoining Residential Activity Area shall be complied with at the shared boundary.

No recession planes are required from side or rear boundaries within the Medium Density Residential Activity Area where there is an existing or proposed common wall between two buildings.

No recession planes are required from road boundaries and existing or proposed internal boundaries within a site.

(b) Construction or alteration of a building that does not meet the recession plane requirements is a **restricted discretionary** activity.

Discretion is restricted to:

- ~~(i) The effects on the amenity of adjacent properties.~~
- (i) The effects on the privacy of adjoining sites. properties.
- (ii) The effects on shading of adjoining sites. properties.
- (iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.
- (iv) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping

When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 4F 2.2, 4F 2.3, 4F 2.4, 4F 2.5

Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.6, 4F 3.8

AMENDMENT 126 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.4 Yards

Rule 4F 4.2.4 Yards

(a) Construction or alteration of a building is a **permitted** activity if:

(i) The building is not located within the following yard setbacks:

Front yards 2m

Side yards 1m

Rear yards 1m

(ii) One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.

No yard requirements apply along site or rear boundaries where there is an existing or proposed common wall between two buildings.

No yard requirements apply along existing or proposed internal boundaries within a site.

Eaves may encroach into any yard by up to 0.6 m.

(b) Construction or alteration of a building that does not meet the yard requirements is a **restricted discretionary** activity.

Discretion is restricted to:

~~(i) The effects on the amenity of adjacent properties.~~

(i) The effects on the privacy of adjoining sites. ~~properties.~~

(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.

(iii) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 4F 2.2, 4F 2.3, 4F 2.4, 4F 2.5

Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.6, 4F 3.8

AMENDMENT 127 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.5 Permeable Surface

Rule 4F 4.2.5 Permeable Surface

<p>(a) Construction or alteration of a building, or structure or new impermeable surfaces, is a permitted activity, if</p> <p>(i) <u>A minimum of 30% of the site area is a permeable surface.</u></p>
<p>(b) Construction or alteration of a building, or new impermeable surfaces, that does not meet the above permitted permeable surface requirements is a restricted discretionary activity.</p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the stormwater system.</u></p> <p>(ii) <u>The potential for increased surface ponding and flooding.</u></p> <p>(iii) <u>The mitigation of additional stormwater runoff through means such as onsite stormwater retention.</u></p> <p>(iv) Consistency with the Medium Density Design Guide.<u>The following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p><u>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p><u>Links to:</u> <u>Objective 4F 2.6</u> <u>Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.9, 4F 3.10</u></p>

AMENDMENT 128 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.6 Outdoor Living Space

Rule 4F 4.2.6 Outdoor Living Space

<p>(a) <u>Construction or alteration of a building is a permitted activity if</u></p>

<p>(i) <u>Each dwelling has an ground floor outdoor living space that:</u></p> <ol style="list-style-type: none"> 1. <u>Has a minimum area of 20m².</u> 2. <u>Has a minimum dimension of 3m.</u> 3. <u>Has direct access from and is adjoining to the dwelling to which it relates.</u> 4. <u>Is not occupied by any buildings, parking areas, or accessways.</u> <p>(ii) <u>For a dwelling located entirely above ground floor the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 10m² with a minimum dimension of 2m.</u></p>
<p>(b) <u>Construction or alteration of a building that does not meet the outdoor living space requirements is a restricted discretionary activity.</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> (i) <u>The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.</u> (ii) <u>The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</u> (iii) <u>Consistency with the Medium Density Design Guide.The following mixed use and medium density residential development design elements:</u> <ol style="list-style-type: none"> a) <u>Building height</u> b) <u>Recession planes and setbacks</u> c) <u>Indoor and outdoor living spaces</u> d) <u>Open space and boundary treatments</u> e) <u>Entrances, carparking and garages</u> f) <u>On-site stormwater management</u> g) <u>End / side wall treatment</u> h) <u>Building materials</u> i) <u>Bike parking, storage and service areas</u> j) <u>Privacy and safety</u> k) <u>Landscaping</u> <p><u>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p><u>Links to:</u> <u>Objectives 4F 2.4, 4F 2.5</u> <u>Policies 4F 3.2, 4F 3.5, 4F 3.7, 4F 3.8</u></p>

AMENDMENT 129 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.7 Accessory Building

Rule 4F 4.2.7 Accessory Building

<p>(a) <u>Construction or alteration of an accessory building is a permitted activity if:</u></p> <ol style="list-style-type: none"> (i) <u>Development Standards 4F 4.2.1 (Site Coverage), 4F 4.2.2 (Building Height),</u>

<p><u>4F 4.2.3 (Recession Planes), 4F 4.2.4 (Yards) and 4F 4.2.5 (Permeable Surface) are complied with.</u></p>
<p>(b) <u>Construction or alteration of an accessory building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</u> Discretion is restricted to:</p> <p>(i) <u>The effects on the amenity of adjacent properties adjoining sites.</u></p> <p>(ii) <u>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</u></p>
<p><u>Links to:</u> <u>Objectives 4F 2.4, 4F 2.5</u> <u>Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.8</u></p>

AMENDMENT 130 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.8 Screening and Storage

Rule 4F 4.2.8 Screening and Storage

<p>(a) <u>Construction or alteration of a building is a permitted activity if</u></p> <p>(i) <u>All outdoor storage and servicing areas are screened so that they are not visible from a road or public space.</u></p>
<p>(b) <u>Construction or alteration of a building that does not meet the screening and storage requirements is a restricted discretionary activity.</u> Discretion is restricted to:</p> <p>(i) <u>The effects on the amenity of adjacent properties adjoining sites.</u></p> <p>(ii) <u>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</u></p> <p>(iii) <u>Consistency with the Medium Density Design Guide. The following mixed use and medium density residential development design elements:</u></p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p><u>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p><u>Links to:</u> <u>Objectives 4F 2.2, 4F 2.4, 4F 2.5</u></p>

AMENDMENT 131 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.2.9 Demolition

Rule 4F 4.2.9 Demolition

(a) The demolition of a building is a **permitted** activity.

For buildings listed in Appendix Heritage 1 or 2 or in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of the Chapters 14E and 14F relating to demolition apply.

AMENDMENT 132 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Note 4F 4.3 General Rules

Note 4F 4.3 General Rules

(a) All activities must comply with the General Rules in Chapter 14.

AMENDMENT 132A [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Introduce a new Rule 4F 4.2.X Stormwater Retention

Rule 4F 4.2.X Stormwater Retention

(a) Construction or alteration of a building is a **permitted** activity if:

(i) A rainwater tank is provided for the building that collects all rainwater from the roof of the building. The rainwater tank must have the following volumes:

Roof area of 100m² or less - 2,000 litre capacity.

Roof area of 100m² to 200m² - 3,000 litre capacity.

Roof area of more than 200m² - 5,000 litre capacity.

The tank must meet the specifications, and be installed in accordance with Acceptable Solution #1 from the Wellington Water guide *Managing Stormwater Runoff, The use of raintanks for hydraulic neutrality, Acceptable solution #1 dated June 2019 (Appendix General Residential X)*.

No rainwater tank is required for the construction of an Accessory Building.

(b) Construction or alteration of a building that that does not meet the rainwater tank requirements is a **restricted discretionary** activity.

Discretion is restricted to:

(i) The effects on the stormwater system.

(ii) The potential for increased surface ponding and flooding.

(iii) The mitigation of additional stormwater runoff through other means.

Links to:

Objective 4F 2.6

Policy 4F 3.9

New Chapter 5E Suburban Mixed Use Activity Area, with recommended changes from the Hearing Panel

AMENDMENT 133 [New Chapter 5E Suburban Mixed Use Activity Area (5E 1 Introduction / Zone Statement)]

Add a new Chapter 5E Suburban Mixed Use Activity Area and a new Section 5E 1 Introduction / Zone Statement

5E Suburban Mixed Use Activity Area

5E 1 Introduction / Zone Statement

The Suburban Mixed Use Activity Area applies to selected suburban centres generally located in areas of good public transport.

The Suburban Mixed Use Activity Area primarily provides for the local convenience needs of surrounding residential areas including local retail, commercial services and offices as well as residential use above ground floor. It addresses expectations of residents of higher density housing types to have easy access to a wide range of facilities and services.

The Suburban Mixed Use Activity Area enables intensification and provides for medium densities.

New development is expected to be designed to high standards and enhance the quality of the streets and public open space in these centres. The Medium Density Design Guide assists in the development of high quality buildings and environments and provides guidance where permitted activity development standards are not met.

AMENDMENT 134 [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Add a new Section 5E 2 Objectives and new Objective 5E 2.1

5E 2 Objectives

Objective 5E 2.1

Commercial activities which primarily serve the local community coexist with residential living and provide good community access to goods, services and community facilities.

AMENDMENT 135 [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Add new Objective 5E 2.2

Objective 5E 2.2

Land is efficiently used for medium density mixed use development.

AMENDMENT 136 [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Add new Objective 5E 2.3

Objective 5E 2.3

Built development is of a scale and quality that is compatible with the amenity level of medium density mixed use development and contributes towards creating a sense of place.

AMENDMENT 137 [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Add new Objective 5E 2.4

Objective 5E 2.4

~~Built development is of a scale and quality that is compatible with~~ shall maintain the amenity levels of values of adjoining residential areas.

AMENDMENT 138 [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Add new Objective 5E 2.5

Objective 5E 2.5

Built development is adequately serviced by network infrastructure or addresses any infrastructure constraints.

AMENDMENT 138A [New Chapter 5E Suburban Mixed Use Activity Area (5E 2 Objectives)]
Introduce new Objective 5E 2.x

Objective 5E 2.x

Built development is located and designed to manage significant risk from natural hazards.

AMENDMENT 139 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add a new Section 5E 3 Policies and new Policy 5E 3.1

5E 3 Policies

Policy 5E 3.1

Provide for a range of commercial, retail and community activities with a focus on local needs.

AMENDMENT 140 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.2

Policy 5E 3.2

Discourage residential activities at ground level while enabling residential activities above ground floor.

AMENDMENT 141 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.3

Policy 5E 3.3

Discourage activities which have noxious or offensive qualities from locating within the Suburban Mixed Use Activity Area.

AMENDMENT 142 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.4

Policy 5E 3.4

Recognise the functional and operational requirements of activities and development.

AMENDMENT 143 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.5

Policy 5E 3.5

Enable the efficient use of land through medium density built development while managing any adverse effects on the environment, including effects on infrastructure and residential amenity.

AMENDMENT 144 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.6

Policy 5E 3.6

Encourage medium density built development to be designed to a high quality ~~general~~ ~~accordance with the Medium Density Design Guide.~~

AMENDMENT 145 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.7

Policy 5E 3.7

Require built development ~~adjacent~~ ~~adjoining~~ to Residential Activity Areas to manage the effects on the amenity ~~values~~ of those areas, having specific regard to visual dominance, privacy and shading.

AMENDMENT 146 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.8

Policy 5E 3.8

Encourage high quality built development that positively contributes to the visual quality and interest of streets and public open space through active street frontages and buildings right on the road boundary.

AMENDMENT 147 [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.9

Policy 5E 3.9

Require rainwater tanks and encourage development to be stormwater neutral.

AMENDMENT 147A [New Chapter 5E Suburban Mixed Use Activity Area (5E 3 Policies)]
Add new Policy 5E 3.9

Policy 5E 3.xx

Promote new development to have raised floor levels for new development to be above the 100 year (ARI) flood extent, where sufficient information is available.

AMENDMENT 148 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add a new Section 5E 4 Rules and new Subsection 5E 4.1 Activities and new Rule 5E 4.1.1
Offices, Commercial Services, Retail and Entertainment Facilities

5E 4 Rules

5E 4.1 Activities

Rule 5E 4.1.1 Offices, Commercial Services, Retail and Entertainment Facilities

- | |
|--|
| <p>(a) <u>Offices, Commercial Services, Retail and Entertainment Facilities are permitted activities if:</u></p> <ul style="list-style-type: none">(i) <u>The gross floor area of the activity does not exceed 500m².</u>(ii) <u>For sites abutting adjoining a Residential Activity Area</u><ul style="list-style-type: none">1. <u>Servicing hours are limited to 7.00am to 10.00pm.</u>2. <u>All outdoor storage and servicing areas are screened so they are not visible from abutting adjoining residential sites.</u> |
| <p>(b) <u>Offices, Commercial Services, Retail and Entertainment Facilities that do not meet the above permitted activity standards are restricted discretionary activities.</u></p> <p><u>For non-compliance with (a) (i) above discretion is restricted to:</u></p> <ul style="list-style-type: none">(i) <u>The effects arising from the scale and intensity of the activity.</u>(ii) <u>The need to provide for the functional requirements of the activity.</u> <p><u>For non-compliance with (a) (ii) above discretion is restricted to:</u></p> <ul style="list-style-type: none">(iii) <u>The effects on the night time amenity of nearby the surrounding residential areas.</u>(iv) <u>The effects on the visual amenity of adjacent properties adjoining sites.</u> |

Links to:
Objective 5E 2.1
Policy 5E 3.1

Discretion is restricted to:

- (i) The effects on the amenity ~~values~~ of the surrounding area.

Links to:

Objectives 5E 2.1, 5E 2.3

Policies 5E 3.1, 5E 3.4, 5E 3.5, 5E 3.7, 5E 3.8

AMENDMENT 156A [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Introduce a new Rule 5E 4.1.x Vegetation Removal

Rule 4F 4.1.x Vegetation Removal

- (a) The removal of vegetation (whether indigenous or exotic) is a **permitted** activity.

AMENDMENT 157 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Subsection 5E 4.2 Development Standards and new Rule 5E 4.2.1 Building Height

5E 4.2 Development Standards

Rule 5E 4.2.1 Building Height

- (a) Construction or alteration of a building is a **permitted** activity if:

- (i) The building does not exceed a maximum height of ~~1240m~~.

- (b) Construction or alteration of a building that exceeds the maximum height of ~~1240m~~ is a **restricted discretionary** activity.

Discretion is restricted to:

- (i) The effects on the amenity of ~~adjacent properties adjoining sites~~.
- (ii) The effects on the privacy of adjoining sites. ~~properties~~.
- (iii) The effects on shading of adjoining sites. ~~properties~~.
- (iv) The effects on the amenity of adjoining ~~Residential Activity Areas~~, the streetscape and adjoining public space.
- (v) ~~Consistency with the Medium Density Design Guide.~~The following mixed use and medium density residential development design elements:
- a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping

When considering the matters in (v), the Council will be principally guided by

its Medium Density Design Guide.

Links to

Objectives 5E 2.2, 5E 2.3

Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 158 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.2 Recession Planes

Rule 5E 4.2.2 Recession Planes

(a) Construction or alteration of a building is a **permitted** activity if the following recession plane requirements are being met:

- (i) ~~For sites abutting adjoining a Residential Activity Area the recession plane requirements of the abutting adjoining Residential Activity Area shall be complied with at the shared boundary.~~

No recession planes are required from road boundaries, boundaries within the Suburban Mixed Use Activity Area and existing or proposed internal boundaries within a site.

(b) Construction or alteration of a building that does not meet the recession plane requirements is a **restricted discretionary** activity.

Discretion is restricted to:

- (i) ~~The effects on the amenity of adjoining residential sites, properties.~~
- (ii) ~~The effects on the privacy of adjoining residential sites, properties.~~
- (iii) ~~The effects on shading of adjoining residential sites, properties.~~

(iv) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:

- a) Building height
- b) Recession planes and setbacks
- c) Indoor and outdoor living spaces
- d) Open space and boundary treatments
- e) Entrances, carparking and garages
- f) On-site stormwater management
- g) End / side wall treatment
- h) Building materials
- i) Bike parking, storage and service areas
- j) Privacy and safety
- k) Landscaping

When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 5E 2.2, 5E 2.3

Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 159 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.3 Yards

Rule 5E 4.2.3 Yards

<p>(a) Construction or alteration of a building is a permitted activity if the following yard requirements are being met:</p> <p>(i) For sites abutting adjoining a residential activity area the building is not located within the following yard setbacks:</p> <p>Side yards 3m along the shared side boundary</p> <p>Rear yards 3m along the shared rear boundary</p> <p>No yard requirements apply along road boundaries, boundaries within the Suburban Mixed Use Activity Area and existing or proposed internal boundaries within a site.</p>
<p>(b) Construction or alteration of a building that does not meet the yard requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The effects on the amenity of adjoining residential sites, properties.</p> <p>(ii) The effects on the privacy of adjoining residential sites, properties.</p> <p>(iii) Consistency with the Medium Density Design Guide. The following mixed use and medium density residential development design elements:</p> <p>a) <u>Building height</u></p> <p>b) <u>Recession planes and setbacks</u></p> <p>c) <u>Indoor and outdoor living spaces</u></p> <p>d) <u>Open space and boundary treatments</u></p> <p>e) <u>Entrances, carparking and garages</u></p> <p>f) <u>On-site stormwater management</u></p> <p>g) <u>End / side wall treatment</u></p> <p>h) <u>Building materials</u></p> <p>i) <u>Bike parking, storage and service areas</u></p> <p>j) <u>Privacy and safety</u></p> <p>k) <u>Landscaping</u></p> <p><u>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p>Links to: <u>Objectives 5E 2.2, 5E 2.3</u> <u>Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8</u></p>

AMENDMENT 160 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.4 Outdoor Living Space

Rule 5E 4.2.4 Outdoor Living Space

<p>(a) Construction or alteration of a building is a permitted activity if</p> <p>(i) Each dwelling has an outdoor living space that:</p>
--

1. Has a minimum area of 10m².
2. Has a minimum dimension of 2m.
3. Has direct access from the dwelling to which it relates.

For dwellings located entirely above ground floor level the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 5m² with a minimum dimension of 2m.

- (b) Construction or alteration of a building that does not meet the outdoor living space requirements is a **restricted discretionary** activity.

Discretion is restricted to:

- (i) The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.
- (ii) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
- (iii) ~~Consistency with the Medium Density Design Guide.~~The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping

When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 5E 2.2, 5E 2.3

Policies 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 161 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.5 Verandahs, Building Frontage and Display Windows

Rule 5E 4.2.5 Building Frontage, Verandahs and Display Windows

- (a) Construction or alteration of a building is a **permitted** activity if the following requirements are being met:
- (i) All buildings are built to the front boundary of the site.
 - (ii) Any parts of a building fronting a pedestrian footpath have a verandah.
 - (iii) At least 50% of the ground floor frontage of a building are display windows.

(b) Construction or alteration of a building is a **restricted discretionary** activity if the above permitted activity standards are not met.

Discretion is restricted to:

(i) The effects on the amenity of the streetscape.

(ii) ~~Consistency with the Medium Density Design Guide.~~The following mixed use and medium density residential development design elements:

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objective 5E 2.3

Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 162 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.6 Parking

Rule 5E 4.2.6 Parking

(a) Provision for car parking on a site is **permitted** if:

(i) Any parking areas are located within, under, at the rear or at the side of buildings.

(ii) No parking areas are located between the frontage of buildings and the street.

(iii) For sites ~~abutting~~ adjoining a Residential Activity Area all parking areas must be screened so they are not visible from the ~~abutting~~ adjoining residential site(s).

(b) Developments that do not meet the above permitted development controls are **restricted discretionary** activities.

Discretion is restricted to:

(i) The layout and design of the parking area(s).

(ii) The effects on the amenity of the streetscape.

(iii) The effects on the safety of pedestrians accessing buildings on the site.

(iv) ~~Consistency with the Medium Density Design Guide.~~The following mixed use and medium density residential development design elements:

- a) Building height
- b) Recession planes and setbacks
- c) Indoor and outdoor living spaces
- d) Open space and boundary treatments
- e) Entrances, carparking and garages
- f) On-site stormwater management
- g) End / side wall treatment
- h) Building materials
- i) Bike parking, storage and service areas
- j) Privacy and safety
- k) Landscaping

When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 5E 2.2, 5E 2.3

Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 163 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.7 Screening and Storage

Rule 5E 4.2.7 Screening and Storage

- (a) Construction or alteration of a building is a **permitted** activity if
- (i) All outdoor storage and servicing areas are screened so they are not visible from a road or public space.
 - (ii) All outdoor storage and servicing areas are screened so they are not visible from ~~abutting~~ adjoining residential sites.
- (b) Construction or alteration of a building that does not meet the screening and storage requirements is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) The effects on the amenity of the streetscape, adjoining public space and ~~abutting adjoining residential sites, properties.~~
 - (ii) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.

Links to:

Objectives 5E 2.4

Policies 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

AMENDMENT 164 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.2.8 Demolition

Rule 5E 4.2.8 Demolition

(a) The demolition of a building is a permitted activity.

For buildings listed in Appendix Heritage 1 or 2 or in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of the Chapters 14E and 14F relating to demolition apply.

AMENDMENT 165 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Note 5E 4.3 General Rules

Note 5E 4.3 General Rules

(a) All activities must comply with the General Rules in Chapter 14

AMENDMENT 165A [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Introduce a new Rule 5E 4.2.x Stormwater Retention

Rule 5E 4.2.X Stormwater Retention

(a) Construction or alteration of a building is a **permitted** activity if:

(i) A rainwater tank is provided for the building that collects all rainwater from the roof of the building. The rainwater tank must have the following volumes:

Roof area of 100m² or less - 2,000 litre capacity.

Roof area of 100m² to 200m² - 3,000 litre capacity.

Roof area of more than 200m² - 5,000 litre capacity.

The tank must meet the specifications, and be installed in accordance with Acceptable Solution #1 from the Wellington Water guide *Managing Stormwater Runoff, The use of raintanks for hydraulic neutrality, Acceptable solution #1 dated June 2019* (Appendix General Residential X).

(b) Construction or alteration of a building that that does not meet the rainwater tank requirements is a **restricted discretionary** activity.

Discretion is restricted to:

(i) The effects on the stormwater system.

(ii) The potential for increased surface ponding and flooding.

(iii) The mitigation of additional stormwater runoff through other means.

Links to:
Objective 5E 2.5
Policy 5E 3.9

ATTACHMENT B

KiwiRail's submission

09 March 2018

Environmental Policy Division
Hutt City Council
Private Bag 31912
Lower Hutt 5040

By email to: submissions@huttcity.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE OR VARIATION
(FORM 5)
Hutt City District Plan: Plan Change 43**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Pam Butler

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KiwiRail Submission on Proposed District Plan Change 43 Residential and Suburban Mixed Use

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for the designated corridors of the Wairarapa and Melling Lines within the Hutt City boundary.

KiwiRail has an interest in protecting its ability to continue to operate, maintain and enhance these nationally significant networks into the future, as well as seeking to ensure the safety and amenity of those parties occupying land adjacent to the rail corridor. Provisions for management of reverse sensitivity are therefore of particular interest to KiwiRail.

Reasons for submission

KiwiRail has taken an active interest in safeguarding its operations from reverse sensitivity effects in the City. The Council's decision on Plan Change 39 *Transport Provisions* was notified in January 2018 and now applies to 40 metre(m) wide strips along each side of the state highways and railway lines within the City, Under new Standard 6, *Development within the State Highway and Railway Corridor Buffer Overlays*, all new buildings containing noise sensitive activities, or existing buildings with new noise sensitive activities, within these overlays need to be designed, constructed and maintained (at the level of installation) to meet the specific vibration and noise levels set out in Standard 6. This new standard will also apply to new and altered developments within the new Residential and Suburban Mixed-use zones and will assist in creating a good level of amenity for new residents.

A further and related amenity control KiwiRail is a 5m setback for all new building development adjacent to operational railway corridor boundaries. The setback is proposed to manage the interface between rail activities and adjoining activities. Increasing pressure on this interface will occur in the future as both infrastructure in the rail corridor and adjacent land-use activities are intensified.

Part 2 of the Resource Management Act 1991 supports the efficient use and development of the rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the rail network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities.

Plan Change 43 provisions provide for significantly more development potential on land zoned for residential uses. Density controls have been relaxed and height limits have been increased. In most cases, the Plan provisions will provide landowners with greater opportunities to further develop their land beyond what is currently possible. As a result, intensification will increase the numbers of people near operational rail corridors and therefore subject to greater safety and adverse amenity risks.

Unrestricted public access to the rail network is not available. The rail corridor is not like roads where the public can gain access at many points. Trespass is a therefore common problem for KiwiRail in managing the rail corridor, and accidents and near misses can often result.

Ensuring structures are setback from the rail network allows access and maintenance to occur without a landowner or an occupier needing to gain access to the rail corridor-potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is an appropriate method of ensuring people's health and wellbeing through good design.

KiwiRail considers that a 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained.

A setback is the most efficient method of ensuring that intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor.

Plan Change 43 also proposes the replacement of the existing General Residential Activity Area zone in full and introduces Comprehensive Residential Development in that zone. As new or altered development in this zone may be adjacent to the operational railway corridor the 5m setback is also sought to be incorporated into Chapter 4A General Residential Activity Area.

The new Rule would require any development within the 5m setback to obtain consent as a restricted discretionary activity, with matters of discretion relating to:

- impacts on the safe operation, maintenance and development of the rail network
- location, design and use of the proposed building or structure

Supporting objectives and policies are also provided.

KiwiRail's submission on the specific provisions of Proposed District Plan Change 43 is set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail does wish to speak to our submission.

Regards

A handwritten signature in black ink, appearing to be 'Pam Butler', written in a cursive style.

Pam Butler
Senior RMA Advisor
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose / Seek Amendment	Feedback / Comments / Reasons	Relief Sought (as stated or similar to achieve the requested relief)
1	Amendment 31 4A 1 Introduction / Zone Statement	Seek amendment	Provide introductory support in Chapter 4A General Residential Activity Area 4A 1 Introduction / Zone Statement for setback design control.	Alter 5 th paragraph second bullet point to read: <ul style="list-style-type: none"> • <i>manage the effects of development on neighbouring sites, <u>including on land transport corridors (i.e. rail);</u></i>
2	Amendment 32 Chapter 4A General Residential Activity Area 4A 2 Objectives And Amendment 95 Chapter 4F Medium Density Residential Activity Area 4F 2 Objectives And Amendment 134 5E Suburban Mixed-Use Activity Area 5E 2 Objectives	Seek amendment	Add a new Objective to all zones listed to support a 5m setback to operational railway corridors.	Add new objective <u>Built development is located and designed to address amenity and safety issues arising from the operation of land transport networks (including rail)</u>
3	Amendment 38 Chapter 4A General Residential Activity Area 4A 3 Policies	Seek amendment	Add a new policy supporting a 5m setback to operational railway corridors	Add new policy <u>Manage the effects of built development on operational land transport networks (including rail) by requiring sufficient setbacks.</u>

Submission Number	Proposed Amendment	Support/Oppose / Seek Amendment	Feedback / Comments / Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>And</p> <p>Amendment 102 Chapter 4F Medium Density Residential Activity Area 4F 3 Policies</p> <p>And</p> <p>Amendment 139 5E Suburban Mixed-Use Activity Area 5E 3 Policies</p>			
4	<p>Amendment 49 4A 4 Rules Permitted activities</p> <p>And</p> <p>Amendment 68 Rule 4A 4.2.10 Comprehensive Residential Developments</p> <p>And</p> <p>Amendment 113 Chapters 4F Medium Density</p>	Seek amendment	Add a new rule and RDA criteria supporting a setback to operational railway corridors	<p>Add a new rule (adapted for Amendment 68); <u>Construction or alteration of any building is a permitted activity if it is:</u> <u>Set back at least 5 metres from any boundary which adjoins an operational railway line</u></p> <p>And</p> <p><u>Add:</u> <u>Any activity which does not comply with the condition for a permitted activity under the above Rule is a Restricted Discretionary Activity (RDA).</u></p> <p>And</p> <p>Add Restricted Discretionary Criteria: <u>Discretion is restricted to:</u></p>

Submission Number	Proposed Amendment	Support/Oppose / Seek Amendment	Feedback / Comments / Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	Residential Activity Area 4F 4 Rules And Amendment 148 5E Suburban Mixed-Use Activity Area 5E 4 Rules			<p>a. <u>The effects on the operation of the railway network</u></p> <p>b. <u>Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor</u></p>
5	Amendment 94 Medium Density Residential Activity Area 4F 1 Introduction / Zone Statement	Seek amendment	Provide introductory support in Medium Density Residential Activity Area 4F 1 Introduction / Zone Statement for setback design control.	Amend 4 th paragraph of 4F.1 by adding: <u>Reverse sensitivity effects on adjoining activities are addressed.</u>
6	Amendment 70 Note 4A 4.3 General Rules	Support	Support the retention of this note as it directs applicants to other parts of the Plan sections addressing reverse sensitivity to transport corridors	Retain <i>Note 4A 4.3 General Rules</i> as notified a. All activities must comply with the General Rules in Chapter 14
7	Amendment 132 New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)] <i>Add a new Note 4F 4.3 General Rules</i>	Support	Support the retention of this note as it directs applicants to other parts of the Plan sections addressing reverse sensitivity to transport corridors	Retain <i>Note 4F.4.3 General Rules</i> as notified a. All activities must comply with the General Rules in Chapter 14

Submission Number	Proposed Amendment	Support/Oppose / Seek Amendment	Feedback / Comments / Reasons	Relief Sought (as stated or similar to achieve the requested relief)
8	Amendment 133 5E Suburban Mixed use Activity Area Introduction/ Zone Statement	Seek Amendment	Provide introductory support in 5E Suburban Mixed use Activity Area Introduction/ Zone Statement for setback design control.	Alter second paragraph to read: <i>The Suburban Mixed Use Activity Area primarily provides for the local convenience needs of surrounding residential areas including local retail, commercial services and offices as well as residential use above ground floor. It addresses expectations of residents of higher density housing types to have easy access to a wide range of facilities and services <u>while managing any reverse sensitivity effects i.e. on land transport networks (i.e. rail).</u></i>
9	Amendment 165 Note 5E 4.3 General Rules	Support	Support the retention of this note as it directs applicants to other parts of the Plan sections addressing reverse sensitivity to transport corridors	Retain <i>Note 5E 4.3 General Rules</i> as notified a. All activities must comply with the General Rules in Chapter 14
10	Amendment 87 New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)] New Subsection 4A 5.4 Scheduled Site – Waterloo Bus Depot – Pt Sec 30 Hutt District, new Subsection 4A 5.4.1 Rule and new Rule 4A 5.4.1.1 - Activities	Seek amendment	Apply setback to any new development at this site.	Amend by adding: <u>All development must comply with/be assessed against the provisions of the General Residential Activity Area chapter</u>